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Convention on jurisdictional immunities of States and their property

Convention on jurisdictional immunities of States and their property

Report of the Secretary-General

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* A/53/150

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I. Introduction

1. On 15 December 1997, the General Assembly adopted resolution 52/151, entitled "Convention on jurisdictional immunities of States and their property", paragraphs 1 and 2 of which read as follows:

> "*The General Assembly,*
>
> "...
>
> "1. *Decides* to consider again at its fifty-third session the item entitled 'Convention on jurisdictional immunities of States and their property' with a view to the establishment of a working group at its fifty-fourth session, taking into account the comments submitted by States in accordance with paragraph 2 of resolution 49/61;
>
> "2. *Urges* States, if they have not yet done so, to submit their comments to the Secretary-General in accordance with resolution 49/61."

2. By a note dated 29 December 1997, the Secretary-General invited States to submit comments in accordance with paragraph 2 of resolution 52/151.

3. The present report reproduces the replies received as at 14 August 1998. Any replies which may subsequently be received will be reproduced in an addendum to the present report.

4. This report supplements the replies received from States in accordance with paragraph 2 of General Assembly resolution 49/61 entitled "Convention on jurisdictional immunities of States and their property", which are reproduced in document A/52/294.

II. Replies received from States

Austria

[Original: English]
[6 May 1998]

General observations

1. Austria has participated actively in the process aiming at the elaboration of a universally acceptable Convention on jurisdictional immunities of States and their property based on the draft articles submitted by the International Law Commission (ILC).[1] The views of the delegation of Austria have been repeatedly expressed in the Sixth Committee of the General Assembly and in the relevant Working Group established by the General Assembly.[2] At this point Austria wishes to focus its comments on some specific issues covered by the draft articles under consideration with particular emphasis on the informal conclusions (A/C.6/49/L.2) submitted by the Chairman of the informal consultations, Mr. Carlos Calero-Rodriguez, which Austria generally considers to be a very valuable contribution to the ongoing efforts to bridge the differences standing in the way of adopting a universally acceptable and at the same time effective international instrument on the immunities of States.

Specific observations

Article 2, paragraph 1 (b): Definition of a "State"

2. Austria supports the compromise proposed by the Chairman (A/C.6/49/L.2) concerning the immunity of a constituent unit of a State. This proposal is modelled on articles 27 and 28 of the European Convention on State Immunity[3] which, in the light of the long-standing practice of its members, proved to be sufficiently flexible in order to pay tribute to the different constitutional structures of Member States.

Article 2, paragraph 1 (c): Definition of "commercial transaction"

3. Austria belongs to those States the legal systems of which primarily apply the nature criterion in determining the character of a transaction in the context of State immunity. However, in view of the still existing fundamental controversies on the legal qualification, Austria welcomes the contribution provided by the Chairman's proposal towards a compromise which allows for flexibility and at the same time provides for a higher degree of legal certainty, in particular for private parties. Austria could go along with a provision according to which a State which does not make a declaration or notification clarifying the potential relevance of the purpose criterion under its national law and practice is assumed to accept the application of the nature criterion in determining the character of a transaction.

Article 10, paragraph 3: Concept of State enterprise and other State entity in relation to commercial transactions

4. Austria is of the view that article 10, paragraph 3, as proposed by the ILC ensures that State immunity cannot be applied to State enterprises as defined by this provision. Austria continues to support the text proposed by the ILC, particularly considering the increasing tendency worldwide

towards privatization and the increasing commercial autonomy of State-owned enterprises.

Article 11: Immunity of a State in proceedings relating to contracts of employment

5. Austria reserves its position on this provision and expects further clarification on this issue during the forthcoming discussions. In particular, as regards article 11, paragraph 2 (a), Austria would welcome a clarification of the term "closely related to the exercise of governmental authority". In regard to article 11, paragraph 2 (b), the Chairman's proposal is acceptable to Austria.

Articles 18 and 19: Measures of constraint against State property

6. Austria is conscious of the difficulty of finding an adequate and acceptable balance between the interest of the State in minimizing the interference with its activities resulting from measures taken against its property and the legitimate interest of a party in obtaining satisfaction from a State based on a valid judgement. Thus draft articles 18 and 19 may require further extensive consideration.

7. In this regard, Austria sees considerable merit in the Chairman's proposal calling for placing greater emphasis on voluntary compliance by a State against which satisfaction based on a valid judgement is sought. Even more so, his suggestions envisaging international dispute settlement procedures concerning the implementation of judgements and possible measures of constraint against State property may provide a valuable basis for further consideration. A difference might be drawn between judgements directly against a State and those given against other entities.

8. A distinction could be envisaged with regard to pre-judgement measures. In order to reach a compromise, different criteria and conditions could be inserted which would restrict the property subject to such measures. Pre-judgement measures could be restricted to those against earmarked property, property connected with the object of disputes or property situated in the forum State. Despite its policy to date of excluding any such limitation, Austria could go along with attempts to insert one or the other condition in the interest of achieving a generally acceptable solution.

9. In regard to measures of constraint in case a State has not satisfied a final and binding judgement within a limited period, Austria would envisage that measures of constraint could be taken against specified property situated in the territory of the State of the forum. An informal Austrian proposal for a reformulation of article 18 would read as follows:

"*Article 18*

"*State immunity from measures of constraint*

"1. A State shall give effect to a judgement given against it in accordance with this Convention by a court of another State.

"2. In the case of a judgement against a State other than an agency or instrumentality of the State or other entity entitled to perform acts in the exercise of the governmental authority of the State, no measures of constraint shall be taken.

"3. Notwithstanding paragraph 2, measures of constraint may be taken against the State as referred to in paragraph 2 if that State did not satisfy the judgement (or institute proceedings for the settlement of disputes) within one year after the rendering of the judgement.

"4. Measures of constraint referred to in paragraph 3 may only be taken against the property situated in the territory of the State of the forum and being specifically in use or intended for use by the State for other than government non-commercial purposes.

"5. In the case of a judgement against an agency or instrumentality of the State or other entity entitled to perform acts in the exercise of the governmental authority of the State, measures of constraint may be taken after two months have elapsed since the rendering of the judgement, unless the judgement has been satisfied (or proceedings for the settlement of disputes have been instituted) within this period.

"6. Measures of constraint against the property of an agency, instrumentality or other entity referred to in paragraph 5 may only be taken if the property is in use or intended for use for other than government non-commercial purposes."

10. Austria has, however, been traditionally in favour of introducing international mechanisms of dispute settlement, in particular legally binding mechanisms, into international instruments; though in the context of the ILC draft articles on jurisdictional immunities of States and their property, rules on the settlement of disputes are closely interconnected with the specific requirements arising out of the proceedings involving States and their property.

France

[Original: French]
[26 November 1997]

General observations

1. France believes that it could be appropriate to draw up an international convention on the jurisdictional immunities of States and their property. Currently, each State can set any limits it wishes on the immunities that can be enjoyed by a foreign State on its territory. By means of an international convention, the proliferation of legal rules on the subject could be limited and as uniform a body of law as possible could be promoted. The Commission's draft articles can be regarded as a useful and acceptable basis for future work in that respect.

2. However, a number of technical issues relating to the formulation of the draft articles must be considered in greater depth. It is also essential to make the wording of some articles more precise.

3. France believes the General Assembly should, at its fifty-second or fifty-third session, in accordance with its resolution 49/61 of 9 December 1994, decide on the arrangements for a diplomatic conference to draft a convention on the jurisdictional immunities of States and their property. However, such a conference cannot be held before 1999, since States must hold consultations on the Commission's draft articles and drafting changes will have to be made, in addition to the fact that States already have a very heavy negotiating schedule.

Specific observations

Article 2, paragraph 1 (b): Definition of a "State"

4. The term "State" in draft article 2 is somewhat ambiguous. France has some doubts about the definitions set out in paragraph 1 (b) (ii) and (iii) of the article. In the case of "constituent units of a federal State", referred to in subparagraph (b) (ii), the following formulation proposed by the Chairman of the Working Group established under General Assembly resolution 46/55 of 9 December 1991 is acceptable: "constituent units of a federal State in cases not covered by subparagraph (iii), provided that the federal State has submitted to the depositary of the present instrument a declaration signifying that they are entitled to invoke the immunity of the State".[4] It also needs to be established exactly what is meant by "political subdivisions of the State which are entitled to perform acts in the exercise of the sovereign authority of the State", in subparagraph (b) (iii). The question is whether this concept is likely to extend the concept of immunity too much.

Article 2, paragraph 1 (c) and paragraph 2: Use of the term "commercial transaction"

5. The term "commercial transaction" in draft article 2 is somewhat ambiguous. The term "commercial transaction" in paragraph 1 (c) and paragraph 2 of the article should be replaced by "commercial operation". Moreover, the criterion of the purpose of the act must be applied in order to determine whether or not the operation in question is "commercial". The text must cover contracts which, although presented as dealing with commercial activities, nonetheless pursue specific State goals and must therefore be in a position to enjoy immunity.

6. Although it is to be welcomed that the wording of paragraph 2 allows account to be taken of the criterion of the purpose of the act for determining whether the operation is "commercial" within the meaning of paragraph 1 (c), the text unfortunately still leaves something to be desired, since it refers to "the practice of the State" in order to determine whether the "purpose" of the contract is relevant (para. 2).

Article 12: Personal injuries and damage to property

7. France indicated at the forty-sixth session of the General Assembly that the exact meaning of the article needed to be established. It would be useful to consider this issue in the light of the Commission's draft articles on State responsibility, particularly part one, on the origin of international responsibility.

Article 13: Ownership, possession and use of property

8. France indicated at the forty-sixth session of the General Assembly that it could not accept being unable to invoke immunity in a proceeding that called into question its rights with respect to immovable property.

Article 16: Ships owned or operated by a State

9. The article should contain references to aircraft and space objects. It would also be desirable to include in the provisions on ships a positive definition of State ships that can enjoy immunity from jurisdiction. Such a definition could be based on article 96 of the 1982 United Nations Convention on the Law of the Sea[5] concerning the immunity of ships used only on government non-commercial service.

Article 17: Effects of an arbitration agreement

10. The article is acceptable. However, subparagraph (b) should be reworded along the following lines, to make it more precise: "the arbitration procedure and all secondary procedures".

Article 18: State immunity from measures of constraint

11. At the forty-sixth session of the General Assembly, France expressed reservations about immunity from execution being dealt with in a text on immunity from jurisdiction, since it differs in scope. France did, however, explain that its reservations did not constitute opposition in principle to the way in which the text was arranged. Moreover, part IV of the draft, entitled "State immunity from measures of constraint in connection with proceedings before a court", indicates that the scope of the Commission's draft articles remains limited with respect to immunity from execution.

12. France still has doubts as to the exact meaning and actual scope of paragraph 1 (b), which provides that the State may invoke immunity from execution if its has "allocated or earmarked property for the satisfaction of the claim which is the object of that proceeding". The wording of the provision is somewhat ambiguous. However, the wording of subparagraph (c), which provides that the State may not invoke immunity from execution unless all of the three conditions listed are fulfilled (the property is in the territory of the State of the forum, is specifically in use or intended for use by the State for other than government non-commercial purposes, and has a connection with the claim which is the object of the proceeding), is acceptable.

13. France wishes to stress that it could not agree to waive immunity from execution in cases where the property to which the measures of execution apply has no connection with the claim which is the object of the proceeding.

Article 19: Specific categories of property

14. In the case of the present article, there is a danger that categories of property not listed that should nonetheless enjoy immunity will be subjected to a negative presumption owing solely to the fact that they are not included in the list.

Article 23: Disputes in respect of a proceeding instituted before a domestic court

15. The procedure for the settlement of disputes[6] proposed by the above-mentioned Working Group calls for the following general comments. In principle, France does not believe that including a set of provisions on the settlement of disputes will make the future Convention more effective. It would be preferable to leave the drafting of such provisions to a diplomatic conference, as was decided in the case of other international conventions.

16. Furthermore, the wording of article 23, paragraph 1, gives rise to many difficulties.[7] Frances does not wish to give the International Court of Justice the power to reverse judgements rendered by domestic courts. Such a mechanism would infringe on the judicial authority of the State and could conflict with a number of principles relating to the organization and independence of the judiciary within the State.

17. In that connection, the principle set out in article 23, paragraph 4 (b), which provides that a State against which a proceeding has been instituted before a court of another State shall not submit a dispute to the International Court of Justice unless "the dispute arises out of the rejection by the court of the other State of a claim of immunity under this Convention", is very open to criticism.

18. Should the mechanism provided for in article 23, paragraph 1, nonetheless be retained, France would be unable to accept the principle of submission of a dispute to the International Court of Justice on the basis of a unilateral application (article 23, para. 2).

Notes

[1] *Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10* (A/46/10), para. 28.

[2] General Assembly resolution 46/55 of 9 December 1991 and decision 47/414 of 25 November 1992.

[3] See Council of Europe, European Convention on State Immunity and Additional Protocol, *European Treaty Series*, No. 74 (Strasbourg, 1972).

[4] A/C.6/48/L.4, para. 19.

[5] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[6] A/C.6/47/L.10, annex II.

[7] This paragraph provides that "any dispute between two or more States Parties concerning the interpretation or application of this Convention in respect of a proceeding instituted before a court of one of the parties to the dispute against the other party or parties to the dispute shall be submitted to the International Court of Justice on the application of one of the parties to the dispute or by special agreement".

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Cooperation between the United Nations and the Caribbean Community

Cooperation between the United Nations and the Caribbean Community

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution A/51/16 of 11 November 1996, entitled "Cooperation between the United Nations and the Caribbean Community", by which, *inter alia*, the Assembly requested the Secretary-General to submit a report on the implementation of the resolution to the Assembly at its fifty-third session.

II. Consultations and exchange of information

2. At the First General Meeting between Representatives of the Caribbean Community (CARICOM) and its Associated Institutions and of the United Nations system, held at United Nations Headquarters on 27 and 28 May 1997, both Secretaries-General made opening statements. During the meeting, the Secretary-General of the United Nations and the Secretary-General of CARICOM signed a Cooperation Agreement between the two organizations. The meeting recognized that there already existed a high degree of collaboration between the United Nations and CARICOM. It, however, welcomed new areas of possible cooperation and agreed that those should be further explored and developed, subject to financial and human resource constraints. The report of the meeting, containing its conclusions and recommendations, was issued as UN/CARICOM/GM1/1997/1.

3. On 28 and 29 July 1998, the Secretary-General of CARICOM attended the Third Meeting between the United Nations and Regional Organizations which was convened by the Secretary-General to discuss practical and more effective ways of preventing conflicts. In his opening address, the Secretary-General stated that the need for increased cooperation between the United Nations and regional organizations had never been greater and that they had an obligation to enhance their cooperation for the prevention of deadly conflicts.

4. At the invitation of CARICOM, the United Nations was represented by the Under-Secretary-General for Political Affairs and the Deputy Secretary-General, respectively, at the 18th and 19th Conference of Heads of State and Government of the Caribbean, held in Jamaica and Saint Lucia, in July 1997 and 1998.

III. Information received from the United Nations system

5. In response to a request by the Department of Political Affairs, the heads of agencies, programmes, departments and offices of the United Nations system supplied the information summarized below.

A. United Nations Secretariat

Department of Political Affairs

6. The Department of Political Affairs is the focal point for cooperation between the United Nations and regional organizations. In that capacity, the Department coordinated the implementation of General Assembly resolution 51/16, including the conv ning of the First General Meeting between Representatives of the Caribbean Community and its Associated Institutions and the United Nations system and the preparation of the Secretary-General's report to the General Assembly.

7. The Department was also responsible for the substantive organization of the Third Meeting between the United Nations and regional organizations. The meeting examined the potential for greater interaction and cooperation between the United Nations and regional organizations in the field of conflict prevention within the framework of the Charter of the United Nations and the mandates of regional organizations. While recognizing that no single model of cooperation would cover all eventualities, various possible modalities for cooperation were considered on the basis of the currently existing organizational strengths and capabilities.

8. Pursuant to resolution 49/141, the Department sent notes verbales and letters to the heads of all components of the United Nations system, requesting them to identify, in their respective offices, officers responsible for CARICOM affairs who would be CARICOM focal points in various areas of work. Subsequently, the Department established and continues to maintain a list of United Nations focal points which was communicated to CARICOM in order to facilitate a more pragmatic and cost-effective cooperation between the two systems.

9. The Department was represented at the Conference on Governance, Democracy and Civil Society in the Caribbean Community, co-sponsored by the United Nations Development Programme (UNDP), the CARICOM secretariat, the Inter-American Development Bank, the Organization of American States (OAS) and the University

of the West Indies, held in Christ Church, Barbados, on 9 and 10 September 1997. The Department was also invited to observe the Second OAS/CARICOM General Meeting which took place at OAS headquarters, Washington, D.C., on 23 and 24 April 1998.

10. In carrying out its mandate, the Department maintains close contact with the officials of the CARICOM secretariat, permanent representatives of States members of CARICOM and the permanent observer of CARICOM to the United Nations.

Office of Internal Oversight Services

11. During the period 30 March–3 April 1998, the Office organized a week-long briefing and orientation programme on its organization and functions for Ms. Margaret Godson-Phillips, Head of CARICOM's Oversight Office. Separate and detailed sessions were held with Ms. Godson-Phillips by 10 oversight officers on, among other subjects, the auditing, monitoring and evaluation methods and techniques used by the Office in the day-to-day exercise of its internal oversight functions. The Office also provided Ms. Godson-Phillips with a variety of publications and other materials – copies of United Nations staff and financial regulations and rules, the United Nations procurement manual etc. – which, it was indicated, would be used as a basis for assessing the adequacy of comparable CARICOM issuances.

Department of Public Information

12. During the fifty-first and fifty-second sessions of the General Assembly, the Department gave coverage to statements by Heads of State or Government and Foreign Ministers of the region, through its 15-minute radio feature "UN Caribbean Magazine" (English, adapted into Dutch and French Creole) as well as segments of its weekly news programme "Caribbean News Roundup". It produced a six-part series on law of the sea matters and interviewed both the Deputy Secretary-General of the International Sea-Bed Authority and the Registrar of the International Tribunal for the Law of the Sea.

13. Two radio feature programmes exclusively devoted to the subject were produced: "The Caribbean Community and the United Nations getting closer" and "Improving cooperation between the United Nations and regional organizations to prevent conflicts – a perspective from the CARICOM Secretary-General".

14. A wide range of issues and events concerning the United Nations and CARICOM were covered extensively by the Department's multimedia services, particularly through press releases, radio magazines and feature programmes. Some of the highlights included: the signing of the cooperation agreement between the United Nations and the Caribbean Community in May 1997; the United Nations Secretary-General's address stressing "a new era of partnership" between the United Nations and CARICOM at the June 1997 meeting of the Caribbean Heads of Government in Jamaica; the May 1997 Regional Seminar on Decolonization, held in Antigua and Barbuda; CARICOM seeking United Nations support to stop transshipment of nuclear waste through the Caribbean Sea; CARICOM member States expressing support for the establishment of an international criminal court; CARICOM's appeal to the international community to support the Iwokrama International Rain Forest Programme; a CARICOM and United Nations convention to empower children; the views of CARICOM member States on human rights issues; the United Nations Deputy Secretary-General's attendance at the Conference of CARICOM's Heads of State, held in July 1998; and the ceremonies commemorating the twenty-fifth anniversary of the Chaguaramas Treaty establishing CARICOM and the Caribbean Common Market in 1973.

15. Other themes covered extensively by the Department included sustainable development (follow-up to the Global Conference on the Sustainable Development of Small Island Developing States); poverty reduction programmes (Caribbean Ministerial Meeting on Poverty Eradication of the Economic Commission for Latin America and the Caribbean (ECLAC)); cooperation in the area of governance and development; trade and investment (documentaries on the eleventh session of the United Nations Conference on Trade and Development (UNCTAD XI), and a look at the role of ECLAC); and the problem of drugs and the increase of small arms and crime in the region.

16. In the area of library and publication services, the following developments should be acknowledged. During the period under review, the Department intensified its network of gift-and-exchange partners in the region through the Dag Hammarskjöld Library. Also, appropriate action was taken to ensure that CARICOM was regularly receiving United Nations documents and publications. In turn, the Dag Hammarskjold Library regularly receives the documents and publications issued by CARICOM and indexes them in its documentation database (UNBIS/Horizon).

17. A Library workshop for United Nations depository librarians in the region on the use of United Nations documents is being planned for January 1999 in Port of Spain.

18. The *Yearbook of the United Nations* continued its regular coverage of developments regarding cooperation

between the United Nations and CARICOM, including publishing the full texts of resolutions adopted by the General Assembly on the subject. The *UN Chronicle* has reported on cooperation between the United Nations and CARICOM in the context of its coverage of General Assembly proceedings as well as deliberations of other legislative bodies. Issue No. 3 (1998) carries an article especially written for the *Chronicle* by Ambassador Patrick Lewis of Antigua and Barbuda on CARICOM concerns voiced at the General Assembly's twentieth special session on the problem of illicit drugs.

B. United Nations Development Programme

19. Cooperation between UNDP and CARICOM is conducted largely through the national country programmes, the Regional Cooperation Framework for Latin America and the Caribbean (CARICOM component) and the subregional Caribbean Multi-Island Programme which supports initiatives for the countries of the Organization of Eastern Caribbean States (OECS).

20. The focus of UNDP's cooperation programmes derives from the mandates of its Executive Board and from consultations with national Governments and relevant institutions – namely, the CARICOM and OECS secretariats. UNDP's programmes are focused primarily on the thematic areas of poverty eradication, environmental management, governance and development, and trade and integration, with gender as a cross-cutting theme. Efforts aimed at streamlining and focusing the programmes continue in view of the necessity to assist the countries in mobilizing external resources for capacity-building and development. Strengthening coordination among development partners and forging strategic alliances with other donors – bilateral and multilateral – have also assumed greater importance.

21. In addition to the traditional technical cooperation programmes, the Caribbean region also benefits from other technical cooperation programmes of UNDP. They include the Global Environment Facility (GEF) and GEF Small Grants Programme, the Montreal Protocol, the Partners in Development Programme, LIFE Programme, and the Poverty Strategies Initiative Fund. Moreover, in an effort to deliver UNDP's technical cooperation support in a more efficient and effective manner, the Organization proposes to establish a subregional resource facility in the Caribbean region which will focus on the establishment of an on-line referral service consisting of a network of institutions and individuals, the capturing and sharing of "best practices", and the delivery of substantive technical advice on sustainable human development matters to country offices, Governments and the United Nations system as a whole.

Follow-up to recent global conferences

22. In line with the mandates and recommendations arising from recent global conferences, especially in the area of poverty eradication and social development, UNDP continues to assist Caribbean Governments in their efforts to formulate and implement national poverty eradication plans, strategies and policies. The Poverty Strategies Initiative has provided critical support for implementation of the commitments undertaken at the World Summit for Social Development. Substantive support has also been provided to programme countries for engaging national partners in a dialogue on the policy and institutional framework for poverty reduction and for the conduct of poverty surveys and assessments. Proposed assistance, too, is planned for activities that will build capacities for the establishment of a comprehensive approach to poverty measurement and monitoring beyond traditional income indicators.

23. With regard to environmental protection and regeneration, ongoing technical cooperation support is being provided for building physical planning capacities and for programmes that link environmental management with poverty eradication. Assistance too, is being provided to countries to develop coordinated strategies and policies for natural resource management that are consistent with international agreements, conventions, accords, and action plans. In addition, CARICOM countries are receiving support through UNDP's forestry programme and the biodiversity window of the GEF in developing strategies for sustainable forest management and the protection of biodiversity

24. The Second United Nations Conference on Human Settlements (Habitat II) served as a major catalyst for the Caribbean region to rethink its approach and policy orientation towards human settlements development. UNDP provided strategic support to Governments in the formulation of a Caribbean Human Settlements Plan of Action which was endorsed in April 1997. In collaboration with the United Nations Centre for Human Settlement, support has been provided for the development of land-use and management strategies and environmental protection in the Caribbean. In view of the region's proneness to natural disasters, in collaboration with the Organization of American States (OAS) and the United States Aid for International Development (USAID), among others, UNDP has continued to provide support to the Caribbean Disaster Emergency

Response Agency, in order to improve disaster response, management and preparedness.

Technical cooperation in sustainable development

25. The Special Unit for Technical Cooperation among Developing Countries within UNDP has been given the mandate for the Organization's follow-up to the global Conference on the Sustainable Development of Small Island Developing States. In fulfilment of this mandate for the implementation of the relevant technical assistance programme, UNDP completed a directory of experts on small island developing States (SIDS). A needs assessment survey aimed at determining the region's technical cooperation requirements was also completed. The mandate for facilitating electronic networking among small island developing States, under the rubric SIDSNET, will, after much delay, shortly be fulfilled. The network, which will initially focus on three chapters of the Programme of Action for the Sustainable Development of Small Island Developing States,[1] is expected to incorporate eventually all the issues of the Programme of Action. In addition, UNDP is currently providing support to national and regional organizations through the Regional Caribbean Capacity 21 Programme in the development of Web homepages and in the provision of a regional node of the Sustainable Development Networking Programme to foster networking between those organizations. This process has been undertaken in collaboration with the University of the West Indies Centre for Environment and Development, the Caribbean Conservation Association, and the Jamaica Resources Conservation Authority, among others.

26. In order to assist the Governments of the region more directly in building their capacities for sustainable development, UNDP appointed a Caribbean Sustainable Development Advisor, who currently functions out of the Trinidad and Tobago country office. The Advisor's primary responsibilities are to oversee the delivery of the Capacity 21 Programme, which is aimed at providing assistance to countries in improving their national capacity for implementing Agenda 21, support the implementation of the Programme of Action and provide substantive technical and policy advice to member Governments of CARICOM.

Trade and integration

27. In the area of trade and integration, UNDP's assistance to the Caribbean region has taken the form of providing support to CARICOM. Specifically, assistance has been provided for the establishment of a CARICOM single market and economy, through the design of an appropriate legal framework and then support for putting it into operation. Support too, is ongoing for broad-based consultations and an awareness-building campaign which aims at fostering consensus on the purposes and potential benefits of economic and trade integration.

28. As CARICOM continues to deepen its own integration scheme, there are many simultaneous trade and economic negotiation processes ongoing for which technical support is required. UNDP will continue to assist in building the negotiating capacities of CARICOM countries to prepare their own agendas for trade negotiations at the global, hemispheric and regional levels. Targeted support is planned, too, for enhancing the region's competitiveness in the production of goods and services, thereby facilitating its further integration into the global economy.

Governance and development

29. UNDP commissioned a study on this topic in an effort to stimulate discussion and promote dialogue on the range of governance issues from a Caribbean perspective. Last September, UNDP co-sponsored, along with the Inter-American Development Bank, OAS and the CARICOM secretariat, among others, the regional Conference on Governance, Democracy and Civil Society. UNDP's assistance in the area of governance has focused generally on capacity-building for the reform of public administrations, strengthening the electoral process, support for building capacities of civil society organizations, and assistance to countries in special circumstances, including playing a leading role in coordinating resource mobilization efforts during the recovery phase. In addition, UNDP has provided support to decentralization efforts to enable people to participate more meaningfully in governance processes and decision-making and to encourage their active involvement in the formulation of development programmes that are tailored to their local needs and priorities.

30. UNDP intends to work more closely in partnership with non-governmental organizations, women's organizations and community-based organizations and will promote greater gender equality in procedures, structures and functions of governance.

C. United Nations Environment Programme

31. UNEP provided support to the CARICOM secretariat for the preparation and convening of the Caribbean Sea

Forum, held in Trinidad and Tobago from 2 to 6 June 1998, in celebration of the Year of the Ocean.

32. The projects/activities below have been or will be undertaken in the CARICOM countries, although not directly in conjunction with CARICOM:

(a) Collaboration with the Organization of Eastern Caribbean States on the Workshop on Implementation of International Treaties and Conventions, held in Saint Kitts and Nevis, 23-26 June 1998;

(b) Ongoing assistance for land-based pollution management in Point Lisas, Trinidad and Tobago, through the UNEP Heavily Contaminated Bays Project;

(c) Project proposal to be implemented at the end of 1998 on marine planning, with special emphasis on environment and fisheries. The project might initially be implemented in Jamaica and Trinidad and Tobago;

(d) Implementation of the project Sand Dune Rehabilitation, in Anguilla from June 1997 to July 1998, in collaboration with OECS. The objectives are the rehabilitation of dunes in two sites in Anguilla and the building of awareness on sand dune rehabilitation and beach erosion processes;

(e) Ongoing development of the National Turtle Recovery Plan, in Trinidad and Tobago, which includes training and awareness activities;

(f) Implementation of the project Improving Water Quality, of the west coast of Saint Lucia, which began in June 1997 and ended in July 1998, in collaboration with the Caribbean Environmental Health Institute. The objective is to provide support for the improvement of sewage treatment plant operations for three hotels;

(g) Ongoing development of national manatee recovery plans for Belize and Trinidad and Tobago;

(h) For late 1998, coral reef monitoring activities and support for a marine protected area in Saint Lucia;

(i) Technical assistance to Barbados, Jamaica and Trinidad and Tobago to establish information systems through the Internet, in order to strengthen the capabilities of managing data on coastal and marine environment resources.

33. All CARICOM countries were invited to participate in the following training activities:

(a) Solid and Waste Water Management for the Tourism Industry, Saint Lucia, 2–9 February 1998;

(b) Training the Trainers on Integrated Coastal Area Management for Tourism, Jamaica, 9–20 February 1998;

(c) Integrated Coastal Area Management for Tourism, Barbados, 27–30 April 1998.

34. The following technical reports will be distributed to all CARICOM countries:

(a) *Regional Overview of Best Management Practices in Hotels and Marine Protected Areas*;

(b) *Environmental Management Tool Kit*: a volume with information on guidance of environmental enhancement for hotels;

(c) *Green Resource Directory*: techniques, products and services for improved environmental management in tourism facilities;

(d) *Code of Conduct for Hotels*: set of consolidated guidelines of various strategic documents;

(e) *Regional Environmental Action Plan for Tourism*: key steps for the implementation of Agenda 21 in the Caribbean;

(f) *Database on Marine Protected Areas of the Wider Caribbean*.

D. United Nations International Drug Control Programme

35. UNDCP and CARICOM have strengthened their relationship to ensure regional coordination and cooperation in drug control.

36. CARICOM remains a principal partner of UNDCP in the Caribbean in the context of the Barbados Plan of Action, adopted at the Regional Meeting on Drug Control Cooperation and Coordination, Bridgetown, Barbados, 15–17 May 1996. Both organizations keep each other informed on their activities and initiatives related to drug control. Apart from this ongoing dialogue, CARICOM has participated in the task force meetings on drug control organized by the UNDCP Caribbean Drug Control Coordination Mechanism and held in Bridgetown, Barbados, 20–24 October 1997. The CARICOM was also represented at the Second Regional Meeting on Drug Control Coordination and Cooperation in the Caribbean, organized by UNDCP, and held in Santo Domingo, Dominican Republic, 8–9 December 1997.

37. UNDCP and CARICOM also collaborate at the level of technical cooperation: UNDCP participates and financially contributes to the Health and Family Life Education Project that CARICOM is launching with other United Nations agencies, national Governments and non-

governmental organizations. CARICOM has also been actively involved in the planning of a regional epidemiological surveillance system to assess and monitor drug abuse patterns and trends in the Caribbean, a UNDCP project starting in the second half of 1998.

38. Ongoing cooperation between UNDCP and the associate institutions of CARICOM will continue through the next year: the University of the West Indies, in cooperation with the Caribbean Law Institute Centre, carries out a UNDCP-funded legal training programme aiming at more efficient prosecution and adjudication of drug trafficking and money laundering offences. UNDCP is also funding a Certificate Programme in Addiction Studies at the University, executed by the Canadian Addiction and Mental Health Services Corporation. On 18 May 1998, the Caribbean Development Bank and UNDCP signed a memorandum of understanding to promote the principle of good governance in the Caribbean in the context of their respective mandates.

E. United Nations High Commissioner for Refugees

39. While UNHCR has not carried out any specific programmes with CARICOM during the biennium 1997–1998, it is committed to renewing the dialogue with its CARICOM counterparts in the near future.

F. International Research and Training Institute for the Advancement of Women

40. During the twenty-second meeting of the Standing Committee of Caribbean Statisticians (4–7 November 1997, Saint Lucia), organized by CARICOM, INSTRAW presented a paper "Measuring unwaged work for inclusion in national accounts".

41. Contact will be made with CARICOM in the coming months in order to explore possible areas of collaboration, particularly around those research and training programmes of the Institute that bear relevance to the Caribbean region.

G. United Nations Educational, Scientific and Cultural Organization

42. UNESCO cooperates in the following ways with the CARICOM secretariat:

(a) UNESCO participates officially in the meetings of CARICOM Ministers responsible for Education and Culture, now part of the Council for Human and Social Development;

(b) A UNESCO culture adviser sits on the Regional Cultural Committee, a forum of Directors of Culture of CARICOM, convened by the CARICOM secretariat;

(c) The CARICOM secretariat participates fully in the biennial consultations of the Caribbean Network of Educational Innovation for Development;

(d) The representatives of the CARICOM secretariat played a coordinating role in the preparatory meeting (6–8 April 1998) for the planned UNESCO Focus on the Caribbean, a consultation process intended to identify the priority needs of small member States of the Caribbean subregion in the areas of capacity-building and environment-friendly development, poverty and exclusion, migration, youth, gender imbalance, urban violence and drug abuse; and to ascertain the ways in which UNESCO could be of assistance in meeting those needs in its areas of competence;

(e) CARICOM participated as an intergovernmental organization in the UNESCO General Conference.

43. UNESCO also cooperates with CARICOM in supporting the following CARICOM programmes and projects:

(a) An agreement was signed on 6 November 1997 between UNESCO and CARICOM for the implementation of the Human Resource Development Strategy agreed on by CARICOM Heads of Government. One major component of the Strategy relates to the use of adult and continuing education for out-of-school youth, the unemployed or those who need to upgrade their skills to be able to make increased use of new technologies;

(b) UNESCO is giving financial support to the Caribbean Festival of Arts (CARIFESTA), to be held in St. Kitts in August 1999;

(c) UNESCO also lends technical and, in some cases, financial support to media institutions such as the Caribbean Broadcasting Union, the Caribbean Institute of Mass Communication, the Caribbean News Agency, the Caribbean Media Workers Association and to media non-governmental organizations in the region which are collaborative agencies of CARICOM;

(d) Through its Kingston office, UNESCO collaborates with the Commonwealth of Learning and the University of the West Indies in a Commonwealth-funded programme to determine distance-teacher education needs;

(e) UNESCO's Kingston office and the UNESCO Institute for Education work in close association with the Caribbean Regional Council on Adult Education, which is recognized by the CARICOM Ministers of Education as the regional non-governmental advisory body on adult education;

(f) The Caribbean Network of Educational Innovation for Development cooperates with CARICOM in the implementation of several projects, such as the development of mathematics textbooks for primary school;

(g) UNESCO supports national projects in CARICOM countries through national commissions and regional projects through the CARICOM secretariat. It also supports directly several projects with various non-governmental organizations in the CARICOM subregion.

44. The Sustainable Development Unit of CARICOM has expressed interest in integrating the UNESCO Associated Schools Caribbean Sea Project into the outcomes of the Caribbean Sea Forum, which took place from 3 to 6 June 1998. The outcomes include a broad-based Caribbean Sea agenda and elements of a strategy covering national, regional and hemispheric initiatives aimed at improving the management of the semi-enclosed Caribbean Sea and its fragile coastal and ocean marine resources. The Forum contributed to the international recognition of the Caribbean Sea as a special area in the context of sustainable development.

45. The recommendations of the Forum will be submitted to the appropriate policy-making bodies in CARICOM, including the Conference of Heads of Government. It will also provide a major contribution to the presentation that CARICOM Foreign Ministers have agreed should be made to the special session of the General Assembly in 1999, to review the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.[1]

46. UNESCO's Science and Technology Programme in the Caribbean has been carried out, in close collaboration with the CARICOM secretariat. The umbrella programme, Application of Science and Technology to Development in the Caribbean, which was managed by the UNESCO Science and Technology adviser for the Caribbean, was a collaborative effort of UNESCO, UNDP and the CARICOM secretariat.

47. It was within the context of the Science and Technology Programme that a breakthrough was made in 1996 in solving the bacterial spot problem with peppers and tomatoes in Barbados and the eastern Caribbean. In the biotechnology component of the Programme the University of the West Indies researchers at the Cave Hill Campus in 1997 took an important step towards eradicating the pervasive yam anthracnose disease. As a result the re-establishment in Barbados of the elite export variety White Lisbon Yam is expected.

H. Universal Postal Union

48. Contacts between the Universal Postal Union and CARICOM have always been intense and have increased since 1995, with the creation of the post of a UPU regional adviser for the Caribbean subregion. Several coordination meetings have taken place between the regional adviser, the postal authorities of the subregion and CARICOM, leading to the setting up of the Caribbean Postal Union.

I. World Bank

49. The World Bank and CARICOM cooperate in the area of providing a framework for economic integration in the Caribbean. The main forum for this cooperation is the Caribbean Group for Cooperation in Economic Development, a consultative group chaired by the World Bank which brings together the English-speaking countries of the Caribbean region plus Haiti and the Dominican Republic. CARICOM is a member of the Steering Committee, the coordinating body of the Caribbean Group, which sets its regional agenda. CARICOM represents, together with the University of the West Indies, the only two Caribbean-wide institutions in the Steering Committee.

J. World Food Programme

50. No official formal cooperation agreement exists between WFP and CARICOM, but, at the country level, there is informal interchange, including seminars and workshops.

K. Economic Commission for Latin America and the Caribbean

51. During 1996, 1997 and 1998, the ECLAC subregional headquarters for the Caribbean collaborated with the CARICOM secretariat on a number of issues related to its work programme. The Caribbean Development and

Cooperation Committee (ECLAC/CDCC) provided support in numerous subject areas.

Economic development

52. ECLAC provided the CARICOM secretariat with a number of documents for use in preparation of background papers for CARICOM Heads of Government meetings, such as summaries and reviews of Caribbean economic performance in 1995, 1996 and 1997 and the substantive support to the second meeting of the CARICOM Working Group on Disadvantaged Countries, organized by CARICOM in Barbados on 17 December 1997.

Trade and finance matters

53. The technical secretariat supported the conduct of the first meeting of the CARICOM Negotiating Working Group on the Free Trade Area of the Americas (FTAA), organized by the CARICOM secretariat in Guyana on 4 and 5 April 1997. It also attended the Sixteenth Special Meeting of the Council of Ministers of CARICOM, convened in Guyana from 24 to 27 June 1996, and will continue to provide technical support in discussions on FTAA.

Sustainable development/environment issues

54. ECLAC and CARICOM have been jointly mandated by the 1994 Global Conference to undertake the role of joint interim secretariat for the implementation of the Programme of Action.[1]

55. A proposal for a joint coordinating mechanism was endorsed by the CARICOM Council of Ministers and was then submitted to the European Union for extrabudgetary funding.

56. The ECLAC secretariat collaborated with CARICOM and other agencies in the convening of the Caribbean Ministerial Meeting on the Programme of Action for the Sustainable Development of Caribbean Small Island States: The Way Forward, Barbados, 10–14 November 1997.

Women in development and gender issues

57. The secretariat collaborated with UNIFEM and CARICOM in a review of gender-related issues as they pertain to the development of women in the Caribbean. It also assisted in the convening of the CARICOM Meeting of Ministers with Responsibility for Women's Affairs, Port-of-Spain, Trinidad and Tobago, 28 November 1996.

58. The secretariat convened a special workshop on women and decision-making in Guyana, 12 June 1997. It also assisted in the convening, in Guyana from 6 to 8 August 1997, of the CARICOM/ECLAC/UNIFEM Post-Beijing Encounter: A Caribbean Subregional Ministerial Conference in preparation for the Seventh Session of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, for which it prepared the report (LC/CAR/G.508).

Science and technology

59. The secretariat, through the Caribbean Council on Science and Technology (CCST), assisted in the preparations for global and regional conferences in science and technology. ECLAC/CDCC, through CCST, provided technical assistance in the conduct of its national consultation on science and technology and human resource development within the CARICOM single market.

60. The secretariat provided substantive support in the convening and conduct of the CCST/CARICOM meeting preparatory to the Hemispheric Meeting of Ministers Responsible for Science and Technology, held in Guyana from 10 to 12 March 1996 (LC/CAR/G.475, CCST/96/1).

61. Through CCST, in Guyana, in September 1996, ECLAC/CDCC collaborated with the CARICOM secretariat at the technical consultation on the Bolivia Summit, held by CARICOM and the University of the West Indies Centre for Environment and Development. The ECLAC secretariat also assisted in the convening and conduct of a CARICOM meeting on agriculture, held in Belize from 25 to 28 May 1997. CARICOM's officers are on the planning teams for many CCST projects. ECLAC/CDCC, through CCST, and in collaboration with CARICOM, facilitated the Coastal and Ocean Studies Network. CARICOM participated in the meetings of the Joint Planning Committee, held in the United States Virgin Islands on 2 and 3 April 1998, to review plans for the implementation of a training workshop on the teaching of science and mathematics at the primary level.

Information and statistics

62. The ECLAC secretariat assisted in the conduct of a workshop on measuring the impact of information on decision-making, organized by the CARICOM secretariat and held in Guyana, in April 1996. It continues to collaborate with CARICOM and the Caribbean Development Bank in the implementation of the Caribbean Regional Information System programme. It offered support to the Consultative Committee of the Caribbean Regional Information System in the convening and conduct of the meeting of the Caribbean Regional System for Exchange of Information and Experience in Science and Technology, held

in Saint Lucia in October 1996. It also assisted in the convening of the First Meeting of Chief Information Officers of Caribbean Countries, organized by CARICOM and held in Guyana, 18–19 November 1996.

Population and development

63. The ECLAC secretariat provided technical support in the conduct of the CARICOM/UNICEF Consultation on Health and Family Life Education, held in Barbados in April 1996. It also provided resource support at the CARICOM Regional Consultation on Human Resources convened in Barbados, 19–21 November 1996.

Training programmes

64. ECLAC assisted CARICOM in the conduct of a high-level diplomatic workshop entitled Towards the Year 2000: Prospects and Challenges for CARICOM. Organized by the CARICOM secretariat, it dealt with the tasks of reconciling regional policies with global trends.

65. In addition, during the reporting period, ECLAC attended 10 meetings convened by CARICOM, and similarly, CARICOM participated in 11 meetings organized by ECLAC/CDCC.

Notes

[1] *Report of the Global Conference on the Sustainable Development of Small Island Developing States, Barbados, 26 April–6 May 1994* (United Nations publication, Sales No. E.94.I.8), chap. I, resolution 1, annex II.

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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Secretary-General

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* A/53/150.

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I. Introduction

1. On 16 December 1996, the General Assembly adopted resolution 51/156, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". Paragraphs 2 to 12 of the resolution read as follows:

> "*The General Assembly,*
>
> "...
>
> "2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;
>
> "3. *Urges* States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;
>
> "4. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;
>
> "5. *Recommends* that States should cooperate closely through, *inter alia*, contracts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;
>
> "6. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;
>
> "7. *Recommends* that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its judicial authorities in order to bring offenders to justice;
>
> "8. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;
>
> "9. *Also calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for the peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

"10. *Requests* all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

"11. *Requests* the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 10 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

"12. *Decides* to include in the provisional agenda of its fifty-third session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives."

2. The present report is prepared pursuant to paragraph 11 of resolution 51/156.

3. Reference is made to the request contained in paragraph 9 of General Assembly resolution 42/154 of 7 December 1987 and paragraph 10 of General Assembly resolution 51/156, whereby States were requested, *inter alia*, to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives. Section II of the present report contains an analytical summary of the report received and the text of the report. No comments were received during the reporting period pursuant to paragraph 11 of General Assembly resolution 42/154, whereby States were invited to inform the Secretary-General of their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives.

4. Section III of the present report contains the status of participation of States, as at 30 June 1998, in the Vienna Convention on Diplomatic Relations of 1961,[1] the Vienna Convention on Consular Relations of 1963[2] and the respective optional protocols thereto, as well as the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.[3]

II. Reports received from States pursuant to paragraph 10 of General Assembly resolution 51/156

5. The report submitted to the Secretary-General from the Islamic Republic of Iran during this period involved a violent intrusion of the Embassy of the Islamic Republic of Iran and theft of property, including cars, therein.

6. *The Islamic Republic of Iran* submitted the following report dated 24 April 1998:

> On 31 December 1997, 20 members of the military forces of the *coup d'état* Government in Sierra Leone, with the full backing and support of the Defence Ministry authorities of Sierra Leone, went to the Embassy of the Islamic Republic of Iran in Freetown and asked the only locally recruited member of the mission and a guard, who was also present, for the keys to the embassy premises and diplomatic vehicles, all the while threatening the two with death. Failing to obtain the keys, they disregarded the inviolability of the premises of the embassy by smashing the windows of the building and taking away with them all movable office property, including computers, along with the cars of the embassy in violation of article 22 of the 1961 Vienna Convention on Diplomatic Relations.

7. The Secretary-General, in accordance with paragraph 10 (c) of resolution 42/154, addressed reminders to four States which had not responded to cases reported by other States.

III. Status of participation in international conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives as at 30 June 1998*

8. Each instrument listed below is represented by the letter shown on the left in tables 1 and 2 that follow:

A: Vienna Convention on Diplomatic Relations of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article 51).

B: Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article VI).

C: Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964).

D: Vienna Convention on Consular Relations of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967, in accordance with article 77).

E: Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967).

F: Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967).

G: Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973 (adopted by the General Assembly of the United Nations on 14 December 1973; entered into force on 20 February 1977).

* For the text of reservations, declarations or communications accompanying the signatures, ratifications, accessions or successions to the international instruments, see *Multilateral Treaties Deposited with the Secretary-General* (United Nations Publication, Sales No. E.97.V.5), also at the Internet address: http://www.un.org/Depts/Treaty.

TABLE 1

Total participation in International Conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

SIGNATURE						
A	B	C	D	E	F	G
60	20	31	48	19	39	26

RATIFICATION, ACCESSION OR SUCCESSION						
A	B	C	D	E	F	G
178	48	61	159	36	44	101

TABLE 2

Status of participations in International Conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Afghanistan								A						
Albania	A							A			D			
Algeria								A			D			
Andorra								A			D			
Angola								A			D			
Antigua and Barbuda											D			G
Argentina	A	B		D		F		A	B		D			G
Armenia								A			D			G
Australia	A			D			G	A		C	D		F	G
Austria	A		C	D		F		A		C	D		F	G
Azerbaijan								A			D			
Bahamas								A		C	D			G
Bahrain								A			D			
Bangladesh								A			D			
Barbados								A			D			G
Belarus	A						G	A			D			G
Belgium	A		C	D		F		A	B	C	D	E	F	
Belize														
Benin				D		F		A			D			
Bhutan								A			D			G
Bolivia				D				A			D			
Bosnia and Herzegovina					E	F		A	B	C	D			G
Botswana								A	B	C				
Brazil	A			D	E			A			D			
Brunei Darussalam														G
Bulgaria	A						G	A		C	D	E	F	G
Burkina Faso				D		F		A			D		F	
Burundi								A						G
Cambodia								A	B	C				
Cameroon				D	E	F		A			D			G
Canada	A						G	A			D			G
Cape Verde								A			D			
Central African Republic	A	B	C	D		F		A	B	C				
Chad								A						
Chile	A			D		F		A			D			G

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
China		B[4]	C[4]		E[5]	F[5]		A			D			G
Colombia	A		C	D	E	F		A			D			G
Comoros														
Congo				D	E	F		A						
Cook Island														
Costa Rica	A			D				A		C	D			G
Côte d'Ivoire				D		F		A						
Croatia								A			D			G
Cuba	A			D				A			D			G
Cyprus								A			D			G
Czech Republic								A			D			G
Democratic People's Republic of Korea								A			D			G
Democratic Republic of the Congo	A			D	E	F		A	B	C	D			G
Denmark	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Djibouti								A			D			
Dominica								A			D			
Dominican Republic	A	B	C	D	E	F		A	B	C	D	E	F	G
Ecuador	A		C	D			G	A		C	D			G
Egypt								A	B		D	E		G
El Salvador								A			D			G
Equatorial Guinea								A			D			
Eritrea								A			D			
Estonia								A	B	C	D	E	F	G
Ethiopia								A						
Fiji								A		C	D			
Finland	A	B	C	D	E	F	G	A	B	C	D	E	F	G
France	A		C	D		F		A		C	D		F	
Gabon				D		F		A	B	C	D	E	F	G
Gambia														
Georgia								A			D			
Germany	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Ghana	A	B	C	D	E	F		A			D	E		G
Greece	A							A			D			G
Grenada								A			D			
Guatemala	A						G	A			D			G
Guinea								A	B	C	D			
Guinea-Bissau								A						
Guyana								A			D			
Haiti								A			D			G
Holy See	A			D				A			D			
Honduras								A			D			

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Hungary	A						G	A		C	D		F	G
Iceland							G	A	B	C	D	E	F	G
India								A	B	C	D	E	F	G
Indonesia				D				A	B		D	E		
Iran (Islamic Republic of)	A	B	C					A	B	C	D	E	F	G
Iraq	A	B	C					A	B	C	D	E		G
Ireland	A		C			F		A			D			
Israel	A		C	D				A						G
Italy	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Jamaica								A			D			G
Japan	A		C					A		C	D		F	G
Jordan								A			D			G
Kazakstan								A			D			G
Kenya								A	B	C	D	E	F	
Kiribati								A			D			
Kuwait				D	E	F		A		C	D			G
Kyrgyzstan								A			D			
Lao People's Democratic Republic								A	B	C	D	E	F	
Latvia								A			D			G
Lebanon	A	B	C	D		F		A			D			G
Lesotho								A			D			
Liberia	A			D	E	F		A			D			G
Libyan Arab Jamahiriya								A	B					
Liechtenstein	A		C	D		F		A		C	D		F	G
Lithuania				D				A			D			
Luxembourg	A		C	D		F		A		C	D		F	
Madagascar								A	B	C	D	E	F	
Malawi								A	B	C	D	E	F	G
Malaysia								A	B	C	D			
Maldives											D			G
Mali								A			D			
Malta								A		C	D			
Marshall Islands								A			D			
Mauritania								A						G
Mauritius								A		C	D		F	
Mexico	A			D				A			D			G
Micronesia (Federated States of)								A			D			
Monaco														
Mongolia							G	A			D			G
Morocco								A	B		D	E		
Mozambique								A			D			

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Myanmar								A	B		D			
Namibia								A			D			
Nauru								A						
Nepal								A	B	C	D	E	F	G
Netherlands								A	B	C	D	E	F	G
New Zealand	A		C					A		C	D		F	G
Niue														
Nicaragua							G	A	B	C	D	E	F	G
Niger				D		F		A	B	C	D	E	F	G
Nigeria	A							A			D			
Norway	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Oman								A	B	C	D	E	F	G
Pakistan	A							A		C	D		F	G
Palau														
Panama	A			D	E	F		A	B	C	D	E	F	G
Papua New Guinea								A			D			
Paraguay							G	A	B	C	D	E	F	G
Peru				D		F		A			D			G
Philippines	A	B	C	D		F		A	B	C	D	E	F	G
Poland	A			D			G	A			D			G
Portugal								A			D			G
Qatar								A						G
Republic of Korea	A	B	C					A	B	C	D	E	F	G
Republic of Moldova								A			D			G
Romania	A						G	A			D			G
Russian Federation	A						G	A			D			G
Rwanda							G	A			D			G
Saint Kitts and Nevis														
Saint Lucia								A			D			
Saint Vincent and the Grenadines														
Samoa								A			D			
San Marino	A							A						
Sao Tome and Principe								A			D			
Saudi Arabia								A			D			
Senegal	A	B						A			D	E	F	
Seychelles								A		C	D		F	G
Sierra Leone								A						
Singapore														
Slovakia								A			D			G
Slovenia								A		C	D			G
Solomon Islands														
Somalia								A			D			

STATES	SIGNATURE							RATIFICATION, ACCESSION OR SUCCESSION						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
South Africa	A							A			D			
Spain								A			D			G
Sri Lanka	A							A	B	C				G
Sudan								A			D			G
Suriname								A	B	C	D	E	F	
Swaziland								A						
Sweden	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Switzerland	A		C	D		F		A	B	C	D	E	F	G
Syrian Arab Republic								A			D			G
Tajikistan								A			D			
Thailand	A	B						A	B					
The former Yugoslav Republic of Macedonia								A	B	C	D			G
Togo								A			D			G
Tonga								A			D			
Trinidad and Toba								A			D			G
Tunisia							G	A	B		D	E		G
Turkey								A			D			G
Turkmenistan								A			D			
Tuvalu								A			D			
Uganda								A						
Ukraine	A						G	A			D			G
United Arab Emirates								A			D			
United Kingdom of Great Britain and Northern Ireland	A		C	D		F	G	A		C	D		F	G
United Republic of Tanzania	A	B	C					A	B	C	D			
United States of America	A		C	D		F	G	A		C	D		F	G
Uruguay	A			D		F		A			D			G
Uzbekistan								A			D			G
Vanuatu											D			
Venezuela	A			D				A			D			
Viet Nam								A			D			
Yemen								A			D			G
Yugoslavia	A	B	C		E	F	G	A	B	C	D			G
Zambia								A						
Zimbabwe								A						

NOTES

1. United Nations, Treaty Series, vol. 500, No. 7310, p. 95.

2. Ibid., vol. 596, No. 8638, p. 261.

3. General Assembly resolution 3166 (XXVIII), annex.

4. Signed on behalf of the Republic of China on 18 April 1961. See notes concerning signatures, ratifications, accessions, etc., on behalf of China: note 4 in chapter I.1 and note 1 in chapter III.3 of the Multilateral Treaties Deposited with the Secretary-General.

5. Signed on behalf of the Republic of China on 24 April 1963. See note concerning signatures, ratifications, accessions, etc., on behalf of China: note 4 in chapter I.1 of the Multilateral Treaties Deposited with the Secretary-General.

United Nations A/53/276/Corr.1

General Assembly

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Fifty-third session
Item 149 of the provisional agenda*
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Secretary-General

Corrigendum

Table 2

(a) Insert a marker for footnote 4 at the end of the title of the table.

(b) Under the "Signature" column for China, delete the markers for footnotes 4 and 5.

(c) In the "Notes" section, delete the existing text for footnotes 4 and 5 and insert the following text for new footnote 4:

For detailed information, see relevant chapters in the *Multilateral Treaties Deposited with the Secretary-General* (ST/LEG/SER.E/16).

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* A/53/150

98-27408 (E) 230998

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/53/277
S/1998/787
24 August 1998
ENGLISH
ORIGINAL: RUSSIAN

GENERAL ASSEMBLY
Fifty-third session
Items 20 (c) and 45 of the provisional agenda*
STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS INCLUDING SPECIAL ECONOMIC ASSISTANCE: EMERGENCY INTERNATIONAL ASSISTANCE FOR PEACE, NORMALCY AND RECONSTRUCTION OF WAR-STRICKEN AFGHANISTAN
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-third year

Letter dated 22 August 1998 from the representatives of the Russian Federation and Tajikistan to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of a joint statement on the outcome of the Russian-Tajik talks that were held in Dushanbe on 19 and 20 August 1998 (see annex).

We should be grateful if you would have the text of this letter and its annex circulated as a document of the fifty-third session of the General Assembly, under items 20 (c) and 45 of the provisional agenda, and of the Security Council.

(Signed) Rashid ALIMOV
Ambassador
Permanent Representative
of Tajikistan
to the United Nations

(Signed) Yuriy FEDOTOV
Chargé d'affaires a.i.
Permanent Mission of the
Russian Federation to the
United Nations

* A/53/150.

ANNEX

Joint statement issued on 20 August 1998 on the outcome of the Russian-Tajik talks

Russian-Tajik talks were held in Dushanbe on 19 and 20 August 1998. The Russian side was represented by the First Deputy Minister of Defence and Chief of the General Staff of the Armed Forces of the Russian Federation, General A. V. Kvashnin, and the First Deputy Minister for Foreign Affairs of the Russian Federation, Mr. B. N. Pastukhov. The Tajik side was represented by the Minister for Foreign Affairs of Tajikistan, Mr. T. N. Nazarov, and the Minister of Defence of Tajikistan, Mr. Sh. Kh. Khairullaev. The delegations of the two sides included senior officials of other interested Russian and Tajik departments.

The representatives of the Russian leadership had a long and substantive conversation with the President of Tajikistan, Mr. Emomali Rakhmonov, who expressed his deep satisfaction at the exchange of views on a wide range of issues relating to bilateral relations and international and regional problems.

In particular, the sides stressed the need for close cooperation with a view to strengthening the security of Tajikistan and safeguarding and defending the Tajik-Afghan border and the southern boundaries of the countries of the Commonwealth of Independent States that are parties to the Treaty on Collective Security, in the light of the sharp aggravation of the situation in northern Afghanistan. The new offensive by groups of the Taliban Movement, made possible by massive military, material and financial support and assistance from abroad, confirms the fact that the Taliban are seeking to solve the Afghan problem by force of arms. The natural desire of the Afghan people to restore national accord and preserve the territorial integrity, independence and sovereignty of their homeland has been ignored. The international community's efforts to establish an inter-Afghan negotiations process have for all intents and purposes been derailed.

The Russian Federation and Tajikistan are deeply concerned at the escalation of the bloodshed in Afghanistan and at the fact that military operations are being conducted in immediate proximity to the Tajik-Afghan border, which poses a direct threat to the southern borders of the Commonwealth of Independent States.

The sides call for an immediate halt to the fratricidal war and for the commencement of a constructive dialogue between the opposing Afghan sides, bearing in mind the need to establish solid foundations for the administration of the State through the creation of a broadly representative Government with the participation of all strata of the population, national and religious groups and influential political forces. Only a comprehensive political settlement, under United Nations auspices, can help Afghanistan find peaceful solutions that will enable it to carry out the difficult but necessary transition from war to peace, stability and security and economic rehabilitation.

The Russian Federation and Tajikistan call upon the countries involved in the Afghan conflict to prevent violations of the generally accepted norms of international law and refrain from interfering in Afghanistan's internal affairs, which includes the dispatch to Afghanistan of their personnel for participation in military operations.

The Security Council's resolutions on Afghanistan should be strictly implemented by all States without any exceptions.

The Russian Federation and Tajikistan are prepared to establish contacts at any level with representatives of the Afghan parties to the conflict in order to find ways to ensure a speedy cessation of hostilities and to help break the deadlock in the crisis.

The peace process in Tajikistan should proceed rigorously on the basis of the General Agreement on the Establishment of Peace and National Accord, signed in Moscow on 27 June 1997. There is no reasonable alternative. Any kind of interference in that process from outside is inadmissible. The Russian Federation and Tajikistan reserve the right to take all the necessary measures to strengthen the security of their external borders in accordance with the Treaty on Collective Security of 15 May 1992 in the event of a threat to the national interests of the two countries or other States of Central Asia.

The talks between the plenipotentiaries of the Russian Federation and Tajikistan were held in a spirit of complete mutual understanding. The sides stressed their readiness to continue to act in full coordination both on a bilateral basis and within the framework of the Commonwealth of Independent States.

United Nations A/53/278

General Assembly

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24 August 1998

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Fifty-third session
Item 93 of the provisional agenda*
Question of East Timor

Letter dated 20 August 1998 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a note verbale from the Permanent Mission of the Republic of Indonesia to the United Nations, dated 20 July 1998 (see annex), in response to the communication of 2 June 1998 from the Permanent Mission of Portugal concerning East Timor (A/53/135).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly.

(*Signed*) Makarim **Wibisono**
Ambassador
Permanent Representative

* A/53/150.

98-24741 (E) 020998

Annex

Note verbale from the Permanent Mission of Indonesia to the United Nations

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the note verbale dated 2 June 1998 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/53/135), has the honour to state the following:

1. As in previous years, Portugal's allegation of being "de facto deprived" from exercising its responsibilities for the administration of East Timor is completely without foundation. It is a matter of historical record that Portugal abdicated its responsibility when the Portuguese colonial authorities in Dili, in August 1975, simply packed up and left East Timor, after allowing the Territory to deteriorate to the point of civil war. Portugal was in fact guilty of practically instigating the war by secretly turning over arms and ammunition to one particular minority group, the Fretilin (Frente Revolucionária Timor Leste Independente). This development can be seen as the culmination of centuries of colonial neglect, coupled with a completely bungled decolonization process. Even in its resolution 384 (1975) of 22 December 1975, opposed by Indonesia but supported by Portugal in their official statements all these years, the Security Council regretted that the Government of Portugal did not discharge fully its responsibilities as administering Power in the Territory under Chapter XI of the Charter. By utterly failing in its responsibility, Portugal has therefore in fact forfeited any right to be still considered the administering Power.

2. Portugal's accusation that Indonesia has illegally occupied East Timor is not legally justifiable nor morally acceptable. It is important to note that not a single United Nations resolution on the so-called question of East Timor, all of which Indonesia opposed, referred to the "illegal occupation" of East Timor by Indonesia. On the contrary, Indonesia was confronted with a situation that was neither desired nor of its making. Indonesian Western Timor was forced to shoulder the burden of a violent civil war at its doorstep with thousands of refugees fleeing from East Timor through its borders. It is beyond doubt that such chaos and strife was due primarily to Portugal's irresponsible abandonment and also, the armed terror and unilateral imposition of a ruthless minority on the defenceless population that led to the request of the legitimate representatives of the majority East Timorese to petition Indonesia for integration. And it is a matter of historical record that East Timor's process of integration into Indonesia conformed with the letter and spirit of the relevant United Nations resolutions on decolonization and that the Organization was kept fully informed of every step in this long and onerous process. Indonesia had from the outset, time and again expressed its readiness to cooperate with the then-colonial Power towards the peaceful and orderly process of decolonization of East Timor. In fact, three months following Portugal's abandonment, and as late as in November 1975, at a meeting in Rome between the Foreign Ministers of Indonesia and Portugal, Indonesia still urged Portugal to return and finalize the process as there was a power vacuum in the Territory. Portugal, however, failed to make good on its promise and by its inaction, abandoned the East Timorese people forever. In this regard, the letter of the Chargé d'affaires a.i. of the Permanent Mission of Portugal to the United Nations admitted his Government's inability to deal effectively with the situation in the Territory (A/10402–S/11887).

3. In the light of the aforementioned, the East Timorese had rightly assumed their inherent right to decolonize themselves, considering themselves no longer bound to any

decolonization covenant with the irresponsible colonial Power. This they did, by choosing independence through integration with Indonesia in accordance with General Assembly resolution 1514 (XV) and principles VI, VIII, and IX of the annex to General Assembly resolution 1541 (XV) of 15 December 1960, as further confirmed b the relevant provisions of General Assembly resolution 2625 (XXV) of 24 October 1970. Consequently, the entire process of decolonization culminated in the formal promulgation into the law of the statute of integration, on 17 July 1976.

4. It is Indonesia's principled position that in view of the above-mentioned historical facts, Portugal has no standing to submit information under Article 73 *e* of the Charter of the United Nations. Portugal has used the said article to make unfounded allegations and numerous misrepresentations concerning the situation in East Timor. Therefore, without prejudice to the aforementioned Indonesian position, the Permanent Mission of the Republic of Indonesia to the United Nations is compelled to set the record straight, as follows:

(a) The note verbale by the Permanent Mission of Portugal to the United Nations dated 2 June 1998 contains little that is new, since Portugal submitted similar "information" during the 1998 session of the Commission on Human Rights. The passage of time has not made the contents of the said "information" any more credible, as it is based on the same old unreliable and biased sources. Indonesia made its views known on the issue of human rights in East Timor at the 1998 session of the Commission on Human Rights (E/CN.4/1998/58 dated 25 February 1998, annex I) and that question was deliberated at length and a decision was reached with the adoption of the Chairman's statement by consensus in the Commission on Human Rights, at Geneva, on 24 April 1998;

(b) This decision of the Commission on Human Rights confirmed the overall improvements in East Timor. Recognizing Indonesia's sincerity and commitment in the promotion and protection of human rights, the Commission, *inter alia*, welcomed the advanced progress towards concluding the Memorandum of Understanding between the Government of Indonesia and the Office of the High Commissioner for Human Rights on technical cooperation in East Timor; welcomed the efforts of the Indonesian National Commission on Human Rights to promote and protect human rights and undertake fact-finding inquires into human rights violations, including through its office in Dili; welcomed the intention of the Government of Indonesia to continue to cooperate with the Commission on Human Rights and its mechanisms and, in particular the Government's decision to invite the Working Group on Arbitrary Detention to visit East Timor; noted with interest the Government of Indonesia's decision to launch a National Plan of Action on Human Rights in 1998 and, in that context, the Government's intention to ratify the Convention against Torture; and welcomed the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor, while stressing the need for constructive actions in order to promote a favourable atmosphere for further progress towards a solution;

(c) The adoption of the aforementioned Chairman's statement reflects the enhancement of constructive dialogue between Indonesia and the other members of the Commission, in particular the European Union. It has been the consistent view of Indonesia that the promotion and protection of human rights can only be achieved through dialogue and cooperation, rather than through confrontational methods, such as those employed by Portugal and its supporters. Therefore, the adoption of the Chairman's statement by consensus has foiled attempts by Portugal to use the issue of human rights for self-serving political agendas;

(d) It should be noted that, at the present time of reform, Indonesia's endeavours in the promotion and protection of human rights have never been more dedicated. Its zeal

in enhancing the basic human rights of all its people, irrespective of ethnic or religious backgrounds, gender or different cultures, is reaffirmed by the launching of the National Plan of Action on 25 June 1998, which was intended to coincide with the fiftieth anniversary of the 1948 Declaration of Human Rights. The Plan focuses on the following: ratification of international human rights instruments; dissemination of information and the conduct of social education on human rights; measures to address human rights issues determined as national priorities; and the implementation of international human rights conventions;

(e) Since the establishment of the branch office of the National Commission on Human Rights, in Dili, on 24 June 1996, it has promptly responded to reports on incidents which occurred in East Timor, involving alleged human rights abuses, by conducting fact-finding missions and issuing reports. In this context, it should be noted that the National Commission on Human Rights has been praised by the international community for maintaining its objectivity and impartiality when assessing various incidents of human rights violations, if and when they do occur;

(f) Therefore, for Portugal to state that the "serious human rights situation in East Timor" justifies "the gravest concern" is utterly contrary to reality. This is especially so when Portugal has based its note verbale on reports of non-governmental organizations, such as Amnesty International and Human Rights Watch, which have had a long-standing history of bias against Indonesia;

(g) It has always been the practice of Indonesia's detractors living overseas to manipulate and exploit every event taking place in East Timor, especially during the visits of foreign dignitaries, by instigating a small group of unemployed East Timorese youths or a few students to engage in violence and other unlawful acts, including violent demonstrations, in order to provoke strong reactions from the authorities and thereby attract international attention. The ultimate aim of this pattern of behaviour is to impose their particular political objectives for East Timor. It is to be noted that, in handling these violent demonstrations, the law enforcement authorities continue to improve their work and to show a remarkable degree of self-restraint. Self-restraint was even more evident in addressing the terrorist acts and massacres of civilians on their way to cast their vote for the last general elections, held on 29 May 1997. This brutal act took the lives of 14 innocent civilians and injured many others. Such violent action was intended by the Fretilin to strike fear among the East Timorese in order to frustrate their participation in the political life of the province;

(h) Terrorist acts continue to be committed by the remnants of the Fretilin, and are aimed at spreading terror and fear among the population. There have been killings, acts of terror and intimidation perpetrated by the Fretilin anti-integrationists against the population of East Timor which cannot all be enumerated. However, one of the most heinous crimes was the shooting of two teachers of the Liaoli Elementary School, Jacinto da Piedede (21) and Julio Pereira (34) at Uatuhako Village, Venilale Subregency, Bacau Regency on 4 October 1997, as the Fretilin attacked the school, located 210 kilometres from Dili. In the same vicinity and a few months earlier, on 26 May 1997, another teacher was shot to death in Los Palos, Lautem Regency. During the months of August and September 1997, at least 16 East Timorese were shot by the Fretilin. These included 11 citizens shot at Manatuto Regency on 18 September 1997 and between 24 September and 2 October 1997, one more person was killed in Viqueque Regency by the Fretilin. In addition, the Fretilin has deliberately sought to undermine the development efforts of the East Timorese. To illustrate, in October 1997, the Fretilin set fire to a bulldozer being used to construct a road in Matahori Village in the East Timorese district of Viqueque, causing hundreds of millions of rupiahs in material losses. The road would have opened up the villages of Nunumaloa and Iralere from isolation. This project was financed by the Overseas Economic and Cooperation Fund.

Furthermore, such acts of terror know no bounds, for these terrorists even took advantage of a religious occasion attended by Bishop Belo to bless the statue of the Virgin Mary at the peak of the province's highest mountain, to kill two pilgrims at Ramelau Mount, Ainaro District, on 7 October 1997. Such random killings against civilians and destruction of development projects by the Fretilin had increased to coincide with events such as the All-Inclusive Intra-East Timorese Dialogue which was held from 20 to 23 October 1997 at Krumbach, Austria;

(i) As to the allegations of extrajudicial executions in East Timor, this has been the consistent practice of anti-integrationist groups aimed towards coercing the people to follow their political persuasion. Even more outrageous, after committing these heinous crimes, these irresponsible groups falsely claim that the army was responsible. Regrettably, one of many incidents was the torture and killing of four youths, namely, Imersio, Fernando, Fatrecia and Berdito, all Catholics, ruthlessly killed by the Fretilin, in Sare village, Liquisa district, in December 1997;

(j) What is most regrettable is that Portugal conveniently overlooks these barbaric acts of terrorism while continuing to indulge in its campaign of disinformation regarding Indonesia. One such accusation is that of "excessive military force". As in any other country, the role of the Indonesian military is to maintain security as well as its unique function throughout Indonesia's 27 provinces of carrying out civic missions to facilitate the development efforts in Indonesia, including East Timor. It is also pertinent to note the recent reduction in the number of armed forces personnel in East Timor, reflecting the Government of Indonesia's sincerity and goodwill as well as the improved security situation;

(k) It would be presumptuous on the part of any country to claim that human rights violations never occur, but then no nation, including Portugal, can claim to have a picture-perfect record. In Indonesia too, there are a few occurrences of human rights abuses, but to fabricate that scores of arbitrary arrests, detentions, torture and disappearances take place, without relying on any independent corroboration whatsoever, is a continuing attempt by Portugal to discredit Indonesia. It is an indisputable fact that, if and when human rights violations do occur, the Indonesian Government is swift to take decisive action in order to ensure that those few violations never take place again. The law also accords the right to those in detention, or being arrested, to apply for a pre-trial hearing in order to sue the authorities concerned. This right is inscribed in the Indonesian Code of Penal Procedure. In addition, no Indonesian citizen can be deprived of the right to legal aid;

(l) As to political prisoners, it is preposterous to suggest that they are persecuted for personal beliefs. Every Indonesian citizen charged for an alleged violation of the law is accorded due process of law. There are also provisions in the law which permit the reduction of sentences for good conduct. In this regard, it should be noted that, as part of the ongoing reform process in the country, 18 East Timorese prisoners were granted amnesty through Indonesian Decree No. 85 dated 10 June 1998. It should also be noted that the four individuals who were arrested in September 1997 in connection with their suspected involvement in the smuggling of bombs in the province, were tried in the court of law and subsequently released on 1 June 1998. In addition, the International Committee of the Red Cross (ICRC) is allowed unfettered access to prisoners and detainees in Indonesia, including East Timor. ICRC works in close cooperation with Indonesia to assist in improving the living conditions in the prisons. Concurrently, both the Indonesian Government and ICRC exert their joint efforts towards clarifying inaccurate information concerning prisoners and detainees;

(m) Since integration, the Indonesian Government and the provincial Government of East Timor have exerted their tireless efforts in the various fields of development to

improve the daily lives of the people. Apart from the various endeavours to improve the administrative system and the Government, efforts continue to be focused on health, housing, education, as well as the nutrition of the population. Greater emphasis is being placed on promoting the quality of human resources aimed not only towards improving productivity and economic growth but also towards combating poverty and national instability. High school graduates are encouraged to pursue higher education programmes, and the fact that more than 1,000 East Timorese attend institutes of higher education is reflective of the Government's determination to have greater numbers of skilled and educated people in the province;

(n) In the effort to improve the human resources of East Timor, the Norwegian Government, through the Bishop Belo Educational Foundation, has allocated 70 per cent of its scholarships to students of the University of East Timor and the Santo Thomas Aquinas Guterres Institute for Pastoral Studies. The remaining 30 per cent go to the East Timorese students living outside the province. Last year, the Foundation provided scholarships for nearly 300 East Timorese students;

(o) On humanitarian considerations, the Indonesian Government continues to allow East Timorese youth who seek political asylum in foreign embassies to leave Indonesia for Portugal. As in previous cases, there were no valid grounds whatsoever to support their requests for political asylum, as these youths were not being persecuted by the Government. The fact that their requests for political asylum were groundless seems to be the view of the embassies that they entered forcibly, as all of those embassies rejected the East Timorese youths' request. As to the East Timorese that had sought political asylum in the Austrian Embassy, Indonesia had given every assurance concerning their safety and legal rights in accordance with Indonesian law.

5. The reference to the result of the third round of the All-Inclusive Intra-East Timorese Dialogue that took place from 20 to 23 October 1997 at Krumbach, was not only incomplete, but worse still, was misleading and self-serving.

6. The Government of Indonesia has continued to extend its unwavering support to the Secretary-General of the United Nations in his efforts to find a just, comprehensive and internationally acceptable solution to the question of East Timor. In this regard, the Government of Indonesia has lent its full support to the Personal Representative of the Secretary-General, Ambassador Jamsheed Marker, during his numerous visits to Indonesia, including East Timor, as recently as in July 1998.

7. Throughout the process of the tripartite dialogue, Indonesia has consistently shown its good faith and goodwill in cooperating with the Secretary-General to find a just, comprehensive and internationally acceptable solution to the question of East Timor. For this to succeed, however, there should be unequivocal assurance from Portugal that it is also committed to such a solution and will cease its unwarranted attacks against Indonesia in the United Nations and other forums. Nothing can be gained from simultaneous attempts to internationalize the matter while pretending to pursue a dialogue. It should be recalled that, during the third round of talks, held on 17 September 1993, the Foreign Ministers of Indonesia and Portugal concurred "on the need to create a favourable and non-confrontational atmosphere in order to allow effective progress towards a comprehensive settlement to the question". Only then will a comprehensive and honourable settlement be feasible.

8. In the context of the foregoing, the Permanent Mission of the Republic of Indonesia to the United Nations reaffirms that Portugal has long forfeited the right as the administering

Power of East Timor and that the decolonization process was finalized more than 22 years ago and that, therefore, its note verbale has no validity whatsoever.

The Permanent Mission of the Republic of Indonesia to the United Nations has the honour to request the Secretary-General to have the present note verbale circulated as a document of the General Assembly.

United Nations A/53/279

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Fifty-third session
Item 113 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the elimination of all forms of intolerance and of discrimination based on religion or belief prepared by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights, pursuant to General Assembly resolution 52/122 of 12 December 1997.

* A/53/150

98-24734 (E) 160998 300998

Interim report on the elimination of all forms of intolerance and of discrimination based on religion or belief prepared by the Special Rapporteur of the Commission on Human Rights, pursuant to General Assembly resolution 52/122

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I. Introduction

1. At its forty-second session, the Commission on Human Rights decided, by resolution 1986/20 of 10 March 1986, to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures.

2. The mandate of the Special Rapporteur has been regularly extended, in particular by resolution 1998/18 of the Commission on Human Rights at its fifty-fourth session. Since 1988, the Special Rapporteur has been submitting annual progress reports to the Commission on Human Rights (E/CN.4/1987/35; E/CN.4/1988/45 and Add.1; E/CN.4/1989/44; E/CN.4/1990/46; E/CN.4/1991/56; E/CN.4/1992/52; E/CN.4/1993/62 and Corr.1 and Add.1; E/CN.4/1994/79; E/CN.4/1995/91 and Add.1; E/CN.4/1996/95 and Add.1 and 2; E/CN.4/1997/91 and Add.1; E/CN.4/1998/6 and Add.1 and 2) and, since 1994, to the General Assembly (A/50/440, A/51/542 and Add.1 and 2, A/52/477 and Add.1).

3. This interim report is submitted pursuant to General Assembly resolution 52/122 of 12 December 1997.

II. Initiatives of the Special Rapporteur concerning, on the one hand, the identification of legislation in the field of tolerance and non-discrimination concerning religion or belief and, on the other, the development of a culture of tolerance

A. Legislation

4. As he explained in his report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1998/6), pursuant to the provisions of the Declaration, resolutions of the Commission on Human Rights and of the General Assembly, studies by special rapporteurs and reports of the Secretary-General in the area of freedom of religion and of belief, the Special Rapporteur decided to undertake a new initiative, namely by preparing an international compendium of constitutional and legislative provisions concerning religion and belief. This compendium – which would, of course, have to be updated regularly – would serve as a basic yardstick for a thorough knowledge of the legal situation of States in the area of religion and belief, and for preparing *in situ* visits and even for examining allegations in the area of tolerance and non-discrimination based on religion or belief and therefore for the drafting of communications. It would provide a unique opportunity for highlighting and understanding the positive contributions of the bodies of law of the various States, the limitations or obstacles that they may constitute and of how they evolve over time.

5. Accordingly, in 1997, the Special Rapporteur wrote to all States requesting the text of the constitutions in force or any equivalent instruments, and also legislation and regulations relating to religious freedom and the practice of worship.

6. To date he has received information from the following 43 States: Algeria, Armenia, Bangladesh, Bolivia, Cambodia, Cape Verde, Chile, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, France, Indonesia, Israel, Italy, Japan, Jordan, Kuwait, Malta, Mauritius, Namibia, Pakistan, Poland, Portugal, Qatar, Republic of Korea, San Marino, Saudi Arabia, Seychelles, Sudan, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yugoslavia.

7. The Special Rapporteur calls on all other States to help expand the effectiveness of his mandate by sending copies of their legislation so as to increase understanding of and familiarity with their legal situation.

B. Culture of tolerance

8. The development of a culture of tolerance depends essentially on education. Education can be decisive in inculcating values predicated on human rights and fostering tolerant, non-discriminatory attitudes and behaviours. The school, as an essential element in the educational system, may constitute an essential and preferred vehicle for the prevention of intolerance and discrimination through the dissemination of a culture of human rights.

9. Starting with the International Conference on Human Rights, which was held in Tehran in 1968, in the context of review of the progress made since the adoption of the Universal Declaration on Human Rights and the

development of a programme for the future, States were invited to ensure that all educational means were used so that youth might grow up and develop in respect for the dignity of man and equal rights. In 1968, the General Assembly also decided to ask Member States to take steps, where necessary, to introduce or encourage, depending on the school system of each State, the principles proclaimed by the Universal Declaration of Human Rights and other Declarations. In 1978, the United Nations Educational, Scientific and Cultural Organization (UNESCO) organized an International Congress on the Teaching of Human Rights, which was the first meeting of a wide range of governmental and non-governmental experts on education. In 1987, a similar congress was organized, in Malta, by the Centre for Human Rights. Both UNESCO and the Office of the High Commissioner for Human Rights have been working since then, by means of various activities, to disseminate a culture of human rights and hence of tolerance. It should also be remembered that the General Assembly, in resolution 49/184 of 23 December 1994, proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education. Finally, the Special Rapporteur notes with interest the projected preparation of a manual on human rights training for primary and secondary school teachers by the technical cooperation services of the Office of the United Nations High Commissioner for Human Rights.

10. In 1994, in resolution 1994/18, paragraph 14, the Commission on Human Rights encouraged the Special Rapporteur to examine the contribution that education can make to the more effective promotion of religious tolerance. The Special Rapporteur therefore decided to conduct a survey by means of a questionnaire addressed to States, on problems relating to freedom of religion and belief from the standpoint of the curricula and textbooks of primary or elementary and secondary educational institutions. The results of such a survey could help to shape an international educational strategy centred on the definition and implementation of a common minimum curriculum of tolerance and non-discrimination, for combating all forms of intolerance and discrimination based on religion or belief.

11. The Special Rapporteur received answers from the following 77 States: Algeria, Andorra, Armenia, Austria, Bahrain, Belarus, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Denmark, Djibouti, Ecuador, Egypt, France, Germany, Guatemala, Holy See, Honduras, Iceland, India, Indonesia, Iraq, Israel, Italy, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Luxembourg, Mali, Marshall Islands, Mauritius, Mexico, Morocco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Paraguay, Philippines, Portugal, Republic of Korea, Romania, Saint Lucia, San Marino, Senegal, Singapore, Slovakia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia and Zambia.

12. As indicated in the previous report (E/CN.4/1998/6), the Special Rapporteur has formulated some preliminary observations; however, they must be further polished in the context of the finalization of the analysis of the replies to the questionnaire and also lead to the preparation of a series of conclusions and recommendations to be used in shaping an international educational strategy for combating all forms of intolerance and discrimination based on religion and belief. In this connection, as the Special Rapporteur has pointed out in his reports to the General Assembly and the Commission on Human Rights, it is essential that a minimum of resources be made available for the mandate so that its essential activities, including the analysis of the results of his survey may be completed on time, with due seriousness and rigour. At its most recent session the Commission on Human Rights in resolution 1998/18 urged States to promote and encourage through the educational system, and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief. To that end States must have, as a matter of urgency, in the field of education the results of the survey conducted by the Special Rapporteur to which they have contributed.

13. The Special Rapporteur also wishes to point out that this initiative is completely consistent with resolution 1998/74 of the Commission on Human Rights entitled "Human rights and thematic procedures", particularly with paragraph 5 thereof whereby the Commission requested the thematic special rapporteurs to make recommendations for the prevention of human rights violations.

14. The Special Rapporteur notes with satisfaction resolution 1998/21 of the Commission on Human Rights entitled, "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights" whereby the Commission, recognizing that promoting a culture of tolerance through human rights education was an objective that must be advanced in all States, and that the Office of the High Commissioner for Human Rights and mechanisms of the United Nations human rights system had an important role to play in that regard, reiterated the obligation of all States and the international community to promote a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance, *inter alia*, through

education leading to genuine pluralism, a positive acceptance of diversity of opinion and belief and respect for the dignity of the human person.

15. Finally, the Special Rapporteur hopes to cooperate with the Special Rapporteur on the right to education, whose mandate has just been established by the Commission in resolution 1998/33. The Special Rapporteur notes with interest this new mandate, which covers, in particular, gender considerations, in particular the situation and needs of the girl child, and promotion of the elimination of all forms of discrimination in education.

III. *In situ* visits and follow-up procedure

16. Within the context of resolution 1998/18 of the Commission on Human Rights which calls upon all Governments to cooperate with the Special Rapporteur on religious intolerance and to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate more effectively, and in accordance with similar provisions of the previous resolutions of the Commission on Human Rights and of the General Assembly, the Special Rapporteur focused his efforts particularly on *in situ* visits and follow-up.

17. The Special Rapporteur wishes to recall that *in situ* visits and follow-up constitute an instrument for dialogue and understanding. They allow for on-the-spot examination not only of incidents and governmental actions which are inconsistent with the provisions of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and formulation of recommendations for remedial measures, but also of State contributions to the promotion, protection and development of freedom of religion and belief.

18. These *in situ* visits are addressed not only to Government officials but also to the various actors in society (non-governmental organizations, religious groups and so forth), for, as is correctly pointed out in resolution 1998/18 of the Commission, "the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration".

19. *In situ* visits also represent an opportunity for reciprocal enrichment. On the one hand, the Special Rapporteur helps Governments to understand more fully their obligations with respect to the implementation of the 1981 Declaration and of article 18 of the International Covenant on Civil and Political Rights. On the other, he gains a better grasp of complex situations in the area of religion and belief and/or related areas, as well as information on experiences and positive initiatives with regard to tolerance and non-discrimination on grounds of religion or belief.

20. Moreover, these visits are necessary for enabling the Special Rapporteur to carry out his mandate effectively, insofar as they ensure the balance that is essential to any examination of situations and cases. While communications, which are a basic tool for carrying out the mandate, focus on cases or situations of intolerance and discrimination, visits enable the Special Rapporteur:

(a) To understand their general context (namely, their economic, social, cultural, civil and political environment) and, accordingly, their degree of severity and the factors explaining them;

(b) To conduct an in-depth analysis of the facts that avoids oversimplification and seeks instead a complexity that associates both the positive and the negative at various levels and according to highly diversified temporal and spatial developments.

21. These visits and the recommendations formulated by the Special Rapporteur, as well as their follow-up, also enable the Special Rapporteur to move beyond a "managerial" role in relation to cases and situations of intolerance and discrimination, in the context of which the communications sent usually represent interventions a posteriori (with the exception of urgent appeals, which sometimes result in preventive action, though only in a very limited number of cases each year, for specific cases rather than situations, and on an emergency rather than long-term basis). Visits enable the Special Rapporteur to play a preventive and participatory role in the medium and long term, in the process of following up the action envisaged or taken by Governments to implement the Special Rapporteur's recommendations.

22. Since taking up his duties, the Special Rapporteur has made *in situ* visits to the following countries:

Country	*Period*	*Report*
China	November 1994	E/CN.4/1995/91
Pakistan	June 1995	E/CN.4/1996/95/Add.1
Iran (Islamic Republic of)	December 1995	E/CN.4/1996/95/Add.2
Greece	June 1996	A/51/542/Add.1
Sudan	September 1996	A/51/542/Add.2
India	December 1996	E/CN.4/1997/91/Add.1
Australia	February-March 1997	E/CN.4/1998/6/Add.1
Germany	September 1997	E/CN.4/1998/6/Add.2
United States of America	January-February 1998	Report to be submitted at next session of the Commission on Human Rights

23. With respect to requests for visits, at the last session of the Commission on Human Rights, the Special Rapporteur announced that Viet Nam had agreed in principle to an *in situ* visit. That agreement, which responded to a request sent in 1995, was formalized on 17 April 1998. The Special Rapporteur is to carry out this mission during the second half of October 1998.

24. However, the Special Rapporteur regrets that the following States have not answered his requests for visits:

Country	*Date of request*	*Reminders*
Turkey	1995	X
Indonesia	1996	X
Mauritius	1996	
Israel	1997	
Russian Federation	1998	

25. As shown by this table, the earliest request, in respect of which reminders have been sent and which remains a priority for the Special Rapporteur, relates to Turkey. Reiterating his desire for cooperation and dialogue, the Special Rapporteur calls upon the Turkish authorities to extend their cooperation so as to make this *in situ* visit possible and thus enable the Special Rapporteur to carry out his mandate in full. The collaboration of Indonesia, Mauritius, Israel and the Russian Federation is also strongly encouraged.

26. The Special Rapporteur wishes to stress that the choice of countries to visit may be made in various ways: at the initiative of the Special Rapporteur, of the Commission on Human Rights and/or the General Assembly or of States. The initiatives of the Special Rapporteur are based on a wide variety of factors, such as the existence of communications and/or petitions, which often reveal situations in the area of freedom of religion and belief that go beyond specific, isolated cases; specific experiences with regard to tolerance and non-discrimination on the grounds of religion and belief; and the need to ensure balance by taking into account the geographical, political, economic, social, cultural and religious situation of each country visited. The Special Rapporteur is convinced that the credibility and effectiveness of a thematic mandate under the special procedures is closely linked to the absence of selectivity or double standards. Accordingly, no State, regardless of its position in the international community, can be exempt from a potential visit by the Special Rapporteur. Moreover, it seems evident that no State can lay claim to perfection, since manifestations of intolerance and discrimination based on religion or belief have arisen in all countries, albeit to different degrees.

27. The preparation and conduct of *in situ* visits are the responsibility of the Special Rapporteur, who is assisted, in his decisions and instructions, by the Office of the United Nations High Commissioner for Human Rights and by United Nations agencies, particularly the United Nations Development Programme (UNDP), and United Nations information centres. These duties also include a process of negotiation and collaboration with the authorities of the country concerned. The process as a whole requires not only mutual respect and reciprocal efforts towards understanding, but also absolute independence on the part of the special rapporteurs in relation to all parties concerned.

28. The procedure for visit follow-up consists of preparing follow-up tables and asking States which have received an *in situ* visit to send their comments and any information on actions taken or envisaged by the authorities concerned to implement the recommendations made in the mission reports. The Special Rapporteur has received very satisfactory cooperation in this regard, as shown by the table below:

Country	*Date of submission of follow-up table*	*Reply*
China	1996, A/51/542	1996, A/51/542
Pakistan	1996, A/51/542	1997, A/52/477/ Add 1
Iran (Islamic Republic of)	1996, A/51/542	No formal reply
Greece	1997, A/52/477/Add 1	1997, E/CN 4/1998/6
Sudan	1997, A/52/477/Add 1	1997, A/52/477/ Add 1
India	1997, A/52/477/Add 1	1998, annex to the present report

29. The Special Rapporteur would like to thank the above-mentioned States not only for their cooperation in connection with *in situ* visits, but also for taking a constructive approach through their commitment to the mission follow-up procedure. With respect to the Islamic Republic of Iran, the Special Rapporteur has benefited from an ongoing dialogue with the Permanent Mission in Geneva, but hopes that this collaboration will lead to a formal reply from the Iranian authorities.

30. In relation to his mandate and to the States that have not yet answered his requests for visits and for implementation of the follow-up procedure, the Special Rapporteur notes with satisfaction Commission on Human Rights resolution 1998/74, and particularly its paragraphs 2, 3 and 5, in which the Commission encouraged all Governments to cooperate with the Commission through the pertinent thematic procedures by considering inviting thematic special rapporteurs, representatives, experts and working groups to visit their countries, upon request, and considering follow-up visits with a view to the effective implementation of recommendations by the thematic procedures concerned; invited the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed without undue delay on the progress made towards their implementation; and requested the thematic special rapporteurs, representatives, experts and working groups to include in their reports information provided by Governments on follow-up action, as well as their own observations thereon, including in regard to both problems and improvements, as appropriate.

IV. Report on communications sent by the Special Rapporteur and replies received from States since the fifty-fourth session of the Commission on Human Rights

31. This report relates to communications sent since the fifty-fourth session of the Commission on Human Rights, the replies or absence of replies from the States concerned, and late replies.

32. First, however, the Special Rapporteur wishes to make the following observations:

(a) Since 1995, as a result of the budgetary constraints affecting the United Nations, the reports of the special rapporteurs have been limited to 32 pages. These budgetary constraints have direct political repercussions on human rights mechanisms. The Special Rapporteur is unable not only to publish his communications and the replies received from States, but also to perform the necessary task of carrying out genuine analyses that cannot be reduced to brief theoretical and academic overviews or to reports written in telegraphic style. It must be acknowledged that there is a real contradiction between the resources available to the special rapporteurs and the many requests addressed to them by States through the resolutions of the Commission on Human Rights, particularly resolution 1998/18 on religious intolerance and resolution 1998/74 on thematic procedures (namely, to examine incidents and governmental actions that are incompatible with the provisions of the 1981 Declaration and to recommend remedial measures; to apply a gender perspective; to conduct *in situ* visits and prepare mission reports; to make recommendations for the prevention of human rights violations; to follow closely and reflect in their reports progress made by Governments in the investigations carried out within their respective mandates; to include in their reports information provided by Governments on follow-up action, as well as their own observations thereon, in regard to both problems and improvements; to include in their reports comments on problems of responsiveness and the result of analyses, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services);

(b) The communications sent by the Special Rapporteur do not cover all the incidents and governmental actions in the world that are incompatible with the 1981 Declaration. The fact that only a few States are covered in

this report does not mean that other States are problem-free. Moreover, the length of a communication and/or the existence of several communications for a single State do not indicate the seriousness of the intolerance and discrimination in question. Likewise, while each communication refers to a given type of intolerance and discrimination, this does not mean that other types of violations do not occur in the same State. The communications concern cases or situations of intolerance and discrimination, but it must be borne in mind that (i) cases may represent either completely isolated manifestations which are exceptional and do not reveal an overall positive situation, or manifestations that do reveal an overall situation of intolerance and discrimination; and (ii) situations may affect freedom of religion and belief, certain dimensions of these freedoms or certain communities in the area of religion and belief.

33. Lastly, as the communications do not cover all religions and beliefs, the frequency with which certain religions and beliefs are referred to in the communications does not indicate their general situation in the world.

34. The Special Rapporteur believes that a report systematically covering all States and all religions and beliefs would remedy the above-mentioned gaps and weaknesses. Such a report should contain an analysis on each State to ensure that the economic, social, cultural, civil and political context is taken into account in the examination of cases and situations of intolerance and discrimination. The report would require a minimum level of resources which the United Nations appears to lack: essentially, human and financial resources. Lastly, with respect to sources of information, while remaining constantly vigilant with regard to the reliability and credibility of his sources, the Special Rapporteur believes that sources of information in developing countries should be strengthened to ensure that all victims of human rights violations and defenders of human rights have access to the mechanisms of the special procedures and to information, particularly through modern communications technologies (fax, Internet, etc.).

35. Thus, the Special Rapporteur's report should be read solely in the limited context of his mandate and activities and in relation to the parameters described above.

36. Since the fifty-fourth session of the Commission on Human Rights, the Special Rapporteur has sent 50 communications (including three urgent appeals to the Islamic Republic of Iran and the Sudan) to 42 States: Afghanistan (2), Albania, Angola, Azerbaijan, Bangladesh, Belarus, Belgium, Bhutan, Bulgaria, China, Cyprus, Democratic People's Republic of Korea, Egypt, Eritrea, Georgia, Ghana, Greece, India (2), Indonesia (2), Iran (Islamic Republic of) (4), Iraq, Kazakhstan, Lao People's Democratic Republic, Latvia, Malaysia, Mauritania, Mexico, Moldavia, Morocco, Myanmar, Pakistan, Romania, Russian Federation, Saudi Arabia, Spain, Sri Lanka, Sudan (2), Turkey, Turkmenistan, Ukraine, United Kingdom and Uzbekistan (2).

37. With respect to the replies received from States, it should be noted that, as at the date of finalization of the report, the deadline for replying had not yet expired for the communications sent to the following 18 States: Afghanistan, Albania, Bangladesh, Belarus, Belgium, China, Georgia, Ghana, India, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Moldavia, Morocco, Saudi Arabia, Spain and Uzbekistan.

38. The 29 States for which the deadline for reply has expired are Afghanistan, Angola, Azerbaijan, Bhutan, Bulgaria, Cyprus, the Democratic People's Republic of Korea, Egypt, Eritrea, Greece, India, Indonesia, Iran (Islamic Republic of) (3 reminders including 2 urgent appeals), the Lao People's Democratic Republic, Latvia, Malaysia, Mauritania, Mexico, Myanmar, Pakistan, Romania, the Sudan (2 reminders, including 1 urgent appeal), the Russian Federation, Sri Lanka, Turkey, Turkmenistan, Ukraine, the United Kingdom and Uzbekistan. Of those States, 5 have replied: Bhutan, Eritrea, Myanmar, the United Kingdom and Uzbekistan.

39. This year, the Special Rapporteur decided to provide a short summary of each communication examined, together with any replies received from States; he is, however, aware of the reductionist effect of this method.

40. In the case of **Afghanistan**, the communications concerned the veritable apartheid directed against women by the Taliban on the basis of their particular interpretation of Islam: women are excluded from society, employment and schools, required to wear a *burqa* in public and forbidden to travel with any man other than a family member.

41. In the Province of Cabinda, **Angola**, the Angolan army reportedly massacred 21 Christians, including one deacon.

42. In **Azerbaijan**, Jehovah's Witnesses and other religious communities were reportedly subjected to acts of intolerance whereby they were forced to pay bribes to the officials responsible for the registration procedure. One pastor, a Muslim convert to Christianity, was allegedly imprisoned on two occasions in 1997.

43. In **Bhutan**, Buddhism is said to enjoy preferential status. In the schools, the practice of this religion is reportedly compulsory for all, on pain of sanctions.

Furthermore, several Buddhist monks and professors of religion were reportedly arrested in 1997 for having participated in peaceful demonstrations. Monasteries believed to be associated with these demonstrations are said to have been closed by the authorities.

44. The Government of Bhutan transmitted detailed information on the current and historical situation of religions in that country and explained that while there were two primary recognized religions, Buddhism and Hinduism, Bhutanese were free to practice and profess the religion of their choice. It noted that proselytism in public was subject to restrictions under a National Assembly resolution of 1974. It also explained that religious instruction and practice were not part of the curriculum except in monastic schools, and that a prayer to the Goddess of Wisdom, who is common to both Buddhism and Hinduism, was recited each morning in all schools and that evening prayers were recited in boarding schools at the secondary level. The Government stated that these prayers had not posed any problem. The Bhutanese authorities stated:

> "Allegations of arrests of monks and religious teachers have been made in the context of allegations of discrimination by the Royal Government against the Nyingmpa school of Buddhism in favour of the Drukpa Kargyupa school. This allegation is totally absurd as no difference of treatment exists between the two schools, which are well-integrated and coexist in total harmony ... 150 persons were arrested in eastern Bhutan in 1997 for their involvement in disturbance of public peace and attempts to incite communal discord. On the basis of the investigations carried out by the police, 38 persons were released immediately and 112 were charge-sheeted in a court of law for collaborating with subversive elements in Nepal, accepting money from them and carrying out activities such as organizing mob demonstrations by enticing innocent villagers with money and trying to incite sectarian violence. On the day slated for the demonstrations in October 1997, a conflict emerged between the above persons and the villagers, who were against the attempts to incite communal violence. As a result, most of the 150 persons were apprehended by the local people and handed over to the Royal Bhutan police. It may be pointed out that one Thinley Yoezer of the Drametse Buddhist school was the main person responsible for inciting and instigating violence among people in eastern Bhutan. It was on his directives that many active collaborators spread false and malicious allegations against the Royal Government, conducted several meetings and plotted to take up seditious activities in eastern Bhutan. To finance those activities, Thinley Yoezer received a total of Nu 125,000 and a large amount of seditious literature from subversive elements in Nepal."

The authorities further explained that a monastery, as was the case with any place of worship, could not be closed; and that several recently established religious schools had been closed following an inspection which had revealed that the curriculum, teachers and premises of these establishments did not meet minimum standards, but that they could reopen once those standards had been met.

45. In **Bulgaria**, a climate of intolerance in the media and society reportedly affected minorities in the areas of religion and belief (Muslims, Jehovah's Witnesses, Church of God, Emmanuel Bible Center).

46. In **Cyprus**, in the territories controlled by the Turkish army, a policy of religious intolerance and discrimination is said to affect non-Muslims and their religious property (over 500 places of worship and cemeteries have been destroyed or desecrated; for example, the Armenian monastery of Saint Makar has been converted into a hotel).

47. In **Egypt**, Professor Hassan Hanafi is said to have been denounced as an apostate by the Al-Azhar scholars because of his interpretation of Islam.

48. In **Eritrea**, the authorities allegedly plan to implement a declaration which would impose drastic restrictions on religious communities by prohibiting them from engaging in any activities other than religious services. As a result, religious properties such as schools and clinics could be officially confiscated.

49. The Government of Eritrea replied that its legislation was in conformity with the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In order to remedy past situations characterized by the delivery of health- and education-related services on the basis of religious preference, since independence, the Government, after consulting with religious institutions and in cooperation with the World Bank, had decided to establish a programme entitled "The Community Rehabilitation Fund" which would make the above-mentioned services available to all. It had been agreed that religious institutions would focus their activities on proselytism, seminaries and charitable work and that they would contribute to the Community Rehabilitation Fund. Furthermore, the administration of schools and clinics associated with religious institutions would be secularized although the existing staff would be retained. It was made

clear that this would not involve any confiscation of property.

50. In the Kursk region of the **Russian Federation**, a Jehovah's Witness is reported to have been sentenced to prison for refusing to perform military service. A court allegedly declared that he belonged to a sect and could not, therefore, appeal on the basis of religion. Furthermore, under the 1997 Act on freedom of religion and of belief, members of communities which have had no official existence in the Russian Federation during the past 15 years are prohibited from any proselytizing activities.

51. In **Greece**, a professor was reportedly arrested for having made several references to Buddhism while teaching German at a private school. A pastor in the Greek Evangelical Church of Thessalonika is also said to have been arrested for failure to possess an official house of prayer licence.

52. In Uttar Pradesh, **India**, members of a nationalist Hindu organization reportedly carried out a harassment campaign against the Assembly of Church of Believers.

53. In **Indonesia**, a Muslim cleric was reportedly arrested in North Aceh Province because he had not recited the Friday prayer as required by an agreement concluded between the Government and the religious authorities of the mosque. In February 1998, riots involving attacks on individuals, places of worship and private property allegedly targeted non-Muslims and, in particular, Christians.

54. In the **Islamic Republic of Iran**, there was a first urgent appeal in the case of three Baha'is: Ata'ullah Hamid Nasirizadih, Sirus Dhabihi-Muqaddam and Hidayat-Kashifi Najafabadi, who are said to have been secretly sentenced to death because of their religious beliefs and to be at risk of being executed. A second urgent appeal concerned reports that a Baha'i, R. Rawahani, had been hanged for having converted a Muslim although the woman in question had allegedly stated that she was, in fact, a Baha'i. This appeal also mentioned a high official of the Islamic Revolutionary Tribunal who had reportedly denied that this execution had taken place, noting that the Iranian courts had not handed down any such sentence. Another communication alleged that there was a policy of intolerance and discrimination against the Sunni community involving obstacles to the construction of mosques and schools, the closing of mosques and the execution or murder of Sunni religious officials and intellectuals.

55. In **Latvia**, the only synagogue in the capital city was reportedly bombed. Although the authorities reportedly condemned the act, the police investigation has yet to come up with anything.

56. In the **Democratic People's Republic of Korea**, the authorities are reported to discourage all religious activities except those which serve State interests.

57. In the **Lao People's Democratic Republic**, Christians are said to have been arrested during a Bible study meeting. Some of them are said to have been convicted of "creating divisions and undermining the Government" and receiving funds from abroad. In the Huei Sai province, a priest was reportedly arrested for proselytizing without official authorization. In Xiengkhouang, a soldier was allegedly arrested for having converted to Christianity and having ties with the American Presbyterian Church.

58. In **Malaysia**, individuals have reportedly been arrested for preaching Shiite teachings which the authorities consider a threat to national security and to Islam. A Muslim woman who had converted to Christianity, the religion of the person whom she loved, is said to have been subjected to acts of intolerance by her family, Muslim organizations and the police. This situation has allegedly compelled the couple to live in hiding.

59. In **Mauritania**, conversion of a Muslim to another religion is reportedly an offence punishable by death under the Criminal Code.

60. In Chiapas, **Mexico**, evangelical protestants are reportedly subjected to acts of intolerance by Catholics and indigenous communities.

61. In **Myanmar**, the State is said to practice a policy of intolerance and discrimination against religious minorities: Muslims in the states of Arakan and Karen (destruction of mosques and schools, revocation of citizenship, admission of refugees along the border with Thailand in exchange for their conversion to Buddhism, denial of access to health care, education and civil service employment), and Christians in the states of Chin and Karen and in the Sagaing Division (destruction of churches, conversion of children to Buddhism). Buddhist clergy are also reportedly obliged to submit to Government monitoring.

62. Myanmar stated, without explanation, that the allegations of intolerance and discrimination against religious minorities were baseless and totally false. It would have been better if Myanmar's response had been supported by appropriate evidence, particularly since the allegations are based on consistent, repeated information from more than one source.

63. In the city of Nukus, **Uzbekistan**, a pastor who had proselytized among Muslims has reportedly been sentenced

to two years at forced labour and "internal exile" for conducting "illegal church services". Generally speaking, the authorities are said to have ordered Christian leaders to cease all religious activity, including proselytism, except in churches.

64. Uzbekistan replied that its legislation and the implementation thereof guaranteed freedom of religion and of belief and that the authorities had no record of the arrest and conviction of a pastor in the town of Nukus. The authorities promised to cooperate fully in further investigations, an offer which is appreciated.

65. In **Pakistan**, Ahmadis are reported to have been sentenced to life imprisonment for blasphemy because they had preached their faith, an act which Muslims reportedly saw as an attack on their religious beliefs. Militant Muslims are alleged to have murdered Judge Arif Iqbal Bhatti because he had acquitted Christians accused of blasphemy. Bishop John Joseph is said to have committed suicide in order to protest the sentencing to death of a Christian accused of blasphemy. Muslim extremists have reportedly committed acts of intolerance against the Christian community, calling for retention of the blasphemy acts.

66. In **Romania**, the issue of restitution of religious property confiscated under the former regime has reportedly led to conflicts between religious communities and, in particular, between the Orthodox and Greek Catholic Churches.

67. In the **United Kingdom**, the Runnymede Commission on British Muslims and Islamophobia has reportedly called for an end to all prejudice against Muslims in the media and the workplace and for the granting of Government subsidies for Muslim schools.

68. The Government noted that the United Kingdom, unlike Northern Ireland, had no legislation on religious discrimination. It emphasized that it was dealing with the matter and that with the agreement of Cabinet colleagues, the Home Secretary had decided that the Home Office would commission research into the nature and extent of religious discrimination in Great Britain. After 18 months, a decision on appropriate action would be taken on the basis of the studies carried out:

> "The Home Secretary responded positively to the report of the Runnymede Commission on British Muslims and Islamophobia. The Government is currently considering the report, which raises a number of wide-ranging issues. Regarding State funding for Muslim schools, under the 1996 Education Act, it is open to independent promoters, including existing independent schools, to seek approval from the Government for the establishment of new voluntary-aided schools. All proposals are judged on their individual merits, taking into account educational needs and parental demand."

The Government also stated that in January 1998, it had approved the granting of State subsidies for two proposed independent Muslim schools in London and Birmingham.

69. In the **Sudan**, an urgent appeal was received concerning the arrest and disappearance of Nasir Hassan, a student at Bishop Gwynne Theological College in Juba, for having converted from Islam to Christianity. Another communication alleged that the Catholic Club in Khartoum had been closed by decree, despite the protests of the Catholic Church.

70. In **Sri Lanka**, Catholic, Protestant and Hindu places of worship are reportedly the primary targets of violence.

71. In **Turkey**, religious leaders and property (churches, cemeteries) of Christian communities, particularly those of the Greek Catholic Church, are said to be the targets of acts of violence, including bombings (including that of the Ecumenical Patriarchate headquarters) and the murder of a priest. The police and security services have reportedly failed to identify and arrest the persons responsible for those acts. Furthermore, the authorities are reported to have closed a Pentecostal church despite official authorization for its existence.

72. In **Turkmenistan**, with the exception of the Russian Orthodox Church, those espousing minority religions and beliefs are said to be subjected to acts of intolerance and discrimination.

73. In **Ukraine**, in the town of Sebastopol, difficulties are reported to have arisen over the restitution of a Catholic place of worship confiscated under the previous regime.

74. An analysis of communications in the light of the principles, rights and freedoms enunciated in the 1981 Declaration gives rise to the following categories of violations:

(a) Violations of the principle of non-discrimination in the matters of religion and belief: policies, legislation and regulations, practices and acts that discriminate against the religion and beliefs of certain communities, especially when such communities are minorities or are not part of the official religion or recognized religions and beliefs, and discrimination against women based on interpretations of religion and on traditions that claim to be based on religion and belief;

(b) Violations of the principle of tolerance in matters of religion and belief: policies, practices and acts of religious intolerance on the part of the State and society, particularly communities, political, religious and other non-State groups most clearly seen in the problem of religious extremism (between faiths and within branches of the same faith);

(c) Violations of freedom of thought, conscience and religion or belief: policies, laws and regulations, practices and acts that are at variance with the principle of conscientious objection and the freedom to change and keep one's religion or belief;

(d) Violations of the freedom to manifest one's religion or belief: policies, laws and regulations, practices and acts that have the effect of controlling, interfering with, banning and improperly restricting the freedom to manifest one's religion or belief;

(e) Violations of the freedom to dispose of religious property: policies, practices and acts that violate the freedom to dispose of religious property characterized by the refusal to release confiscated religious property; refusal to provide access to places of worship (not permitting the construction and renting of premises); the closing of, attacks on, and destruction of places of worship and religious schools and cemeteries;

(f) Violations of the right to life, physical integrity and health of individuals (clergy and believers): policies, practices and acts taking the form of threats, mistreatment, arrests and detention, forced disappearances and even executions and assassinations;

(g) Violations of women's rights: this category encompasses the first six categories of violations. The most tragic example concerns the veritable policies of apartheid put in place by the Taliban in Afghanistan against women by virtue of their status as women and based on the Taliban's particular interpretation of Islam. Under this obscurantist policy, which is the result of religious extremism that combines religion and politics in the exercise of power, women are excluded from society, considered as non-citizens and as having no rights and forced to submit to all-powerful men in the name of God.

75. Replies were received from the following States after the report to the fifty-fourth session of the Commission on Human Rights was completed: Austria, Brunei Darussalam, Egypt, the Gambia, India and Kuwait.

76. The Government of **Austria** explained that

> "men liable for military service have at least six months after induction to consider their position. Even after the six months have expired, they can still opt for civilian service up to two days before receiving their call-up orders. Consequently, this regime provides the largest possible scope for a conscript to be able to assess possible moral implications of service in the military, including after induction. Moreover, conscripts have the right to be informed in writing, namely in the Certificate of Fitness for Service which they receive after induction, how soon they are likely to be called up."

The Government explained that the duration of civilian service was not punitive in character since those performing such service enjoyed considerable advantages, compared with soldiers, in terms of less discipline and the option to choose from a wide range of social and health services.

77. The Government of **Brunei Darussalam** explained that the admission of foreign clergy into the country was governed by immigration laws and regulations, and not by religious considerations. Moreover, there were enough places of worship for non-Muslims, and private and public schools were open to people of all faiths.

> "The national school curriculum is laid down by the Ministry of Education in accordance with the national interests of Brunei Darussalam to advance its national development in a manner that will reflect the prominence of its religion, culture, society and political system."

78. The Government of **Egypt** replied that the case of Mohammed Wagdi Durra was not related to a change of religion, which is not considered a crime, but to the disrespect of a religion and attacking a security officer in the performance of his duties, which were. A report prepared by the New York Council of Churches on relations between Muslims and Christians was also transmitted to the Special Rapporteur. It demonstrates the efforts being made by the Egyptian authorities to develop tolerance and religious freedom.

79. The Government of the **Gambia** explained in a detailed report that the State was a secular State and that its legislation guaranteed freedom of belief and worship. It stressed that the Ahmadis were guaranteed the enjoyment of such freedoms. The statement made by an imam against the Ahmadis at the Friday prayer in no way reflected the Government's views and policy. The Government welcomed the Ahmadis' contribution to the country's socio-economic development.

80. The Government of **India** stated that the case against a Bombay female teacher accused of converting a pupil to Christianity was dismissed after the matter had been

investigated. It added that there had been no attacks by Hindu extremists against the Catholic school where the woman taught. Concerning the clashes between Christians and Hindus in Bombay, the police had made arrests, although no charges had been made for forced conversions to Christianity. It had, however, been alleged that financial assistance had been given to destitute Hindus in order to influence their conversion to Christianity.

81. The Government of **Kuwait** recalled that its legislation condemned intolerance and discrimination based on religion and belief and considered such practices crimes. It noted that non-Muslims could freely practice their religion in their places of worship (there were six churches for 150,000 Christians). As to the allegation that Muslims were forbidden to embrace another religion, the Government recalled that freedom of thought was guaranteed in Kuwait. The Permanent Mission of Kuwait to the United Nations Office at Geneva had provided the Special Rapporteur with detailed and useful information on Kuwait's policies and legislation with respect to religion and beliefs.

82. With regard to paragraph 94 of the Special Rapporteur's previous report (E/CN.4/1986/6), in which he had noted Singapore's failure to reply to a communication addressed to it, a correction should be inserted and a reference made to the communication from Singapore on Jehovah's Witnesses, as reflected in paragraph 87 of the same report.

83. The Special Rapporteur has still not received replies from the following 27 States to the communications addressed to them in connection with the fifty-fourth session of the Commission on Human Rights: Afghanistan, Albania, Angola, Azerbaijan, Bosnia and Herzegovina, Comoros, Gabon, Georgia, Iran (Islamic Republic of), Latvia, Mauritania, Mongolia, Mozambique, Myanmar, Nepal, Nicaragua, Nigeria, Pakistan, Portugal, Qatar, Russian Federation, Somalia, Sudan, United Arab Emirates, Uzbekistan, Yemen and Yugoslavia.

V. Conclusions and recommendations

84. It must be recognized that, as the communications of the Special Rapporteur indicate, manifestations of intolerance and discrimination based on religion and belief, including violent manifestations, continue to occur throughout the world.

85. However, the Special Rapporteur has observed, through the various categories of violations developed in the course of the analysis, the following trends in matters of religion and belief:

(a) State policies against religion and policies designed to control religious matters in the name of a political ideology have declined, even though, on the one hand, such phenomena do persist in several countries and, on the other, problems arising from such policies, including the restitution of religious property confiscated under previous regimes, still persist in others;

(b) State policies against minorities in matters of religion and belief, especially against non-recognized communities such as sects or new religious movements, are on the rise;

(c) More and more policies and practices of intolerance and discrimination in the field of religion and belief are being implemented by non-State entities. On the one hand there are the religious communities, which operate on two levels – between communities and within communities. The representatives of such communities and their followers first turn on members of their own faith, within the same branch or in a different branch; this is illustrated by the status of women as reflected in the sixth category of violations and the status of converts as reflected in the third category of violations. These representatives and their followers then mobilize against communities of different faiths. The second category of non-State actors, that sometimes overlaps with the first category, concerns political-cum-religious parties or movements such as the Taliban. These two categories raise the issue of the relationship between politics and religion, and the use of these to foment intolerance and discrimination, culminating in religious extremism;

(d) Policies and practices that discriminate against women, because of their status which is determined by men's interpretation of religion and religious traditions, have increased. It should be stressed that this trend affects all religions and beliefs and occurs in one form or another throughout the world.

86. Concerning these trends, and bearing in mind Commission on Human Rights resolutions 1998/18 on the Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and 1998/74 on Human rights and thematic procedures, the Special Rapporteur would like to make the following recommendations.

87. First of all, the Special Rapporteur has noticed, since his appointment, that his mandate seemed to be limited to the management of the manifestations of intolerance and

discrimination in matters of religion and belief. The Special Rapporteur's role was restricted to a posteriori interventions. He therefore considered it necessary and urgent to establish a role of prevention. To that end, he launched the mechanism of *in situ* visits, supplemented by a visit follow-up procedure for the recommendations made in the mission reports. The Special Rapporteur also established an urgent appeals procedure. He conducted a survey on problems relating to freedom of religion and belief from the standpoint of the curricula and textbooks of primary or elementary and secondary educational institutions designed to help shape an international educational strategy for combating all forms of intolerance and discrimination based on religion or belief. Recommendations were also made with respect to the technical cooperation programme of the High Commissioner for Human Rights (E/CN.4/1995/91). All these activities and recommendations contribute to and are aimed at preventing intolerance and discrimination in general.

88. As far as more specific questions are concerned, the Special Rapporteur wishes to make the following comments and recommendations.

89. Religious extremism, regardless of whether or not it has a genuinely religious basis, is apparent or latent, adopts, provokes or sustains violence or manifests itself in less spectacular forms of intolerance, constitutes an unacceptable assault on both freedom and religion. No society, religion or faith is immune from extremism. However, when extremism resorts to a frenzy of wanton terrorism and becomes a hideous monster that kills in the name of God and exterminates in the name of religion, when it engages in the most despicable acts of barbarity, and knows no bounds in its cruelty, then silence amounts to complicity and indifference becomes active collusion. Tolerance of extremism is tolerance of the intolerable. States in general, and the international community in particular, are therefore duty-bound to condemn it unequivocally and to combat it relentlessly. The Special Rapporteur reiterates his recommendations, that a study be conducted on religious extremism and that a minimum set of standard rules and principles of conduct and behaviour in respect of religious extremism be defined and adopted by the international community.

90. The issue of sects or new religious movements needs to be clarified as soon as possible in order to prevent situations such as the current one characterized by confusion, hasty conclusions and generalizations, all of which adversely affect the religions and beliefs that abide by the rule of law, the victims and human rights. The Special Rapporteur wishes to reiterate his recommendations concerning studies on this phenomenon and the holding of international intergovernmental meetings to consider and adopt a common approach in the area of human rights.

91. Priority consideration should also be given to the issue of how intolerance and discrimination based on religion and belief affects women because of their status as women. In addition to dealing with this subject in the context of the above-mentioned recommendation with respect to religious extremism, the Special Rapporteur considers that all manifestations of intolerance and discrimination against women should be addressed, from the most obvious and manifest to the most obscure. He reiterates his recommendation for the organization of a seminar on the status of women from the viewpoint of religion. Such a gathering, to be attended by the Special Rapporteur on Religious Intolerance, the Special Rapporteur on Violence against Women, its Causes and Consequences, and representatives of the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, United Nations agencies (including the Division for the Advancement of Women and the United Nations Development Fund for Women), and non-governmental organizations, would not only permit a review of the manifestations of – and the factors contributing to – discrimination against women, in the context of the mandate on freedom of religion and belief, but should also lead to the formulation of practical recommendations and a plan of action. Such an initiative would be fully consistent with and in coordination with the policy and approach of the United Nations system on gender issues. In the meantime, the Special Rapporteur will continue to consider this issue in a comprehensive manner as part of the activities under his mandate (communications and *in situ* visits, laying greater emphasis on reflecting discrimination and intolerance affecting women within their own communities, in addition to the discrimination and intolerance that they suffer because of their status within the framework of relations within the community, or as women members of ethnic and religious minorities).

92. In order for the Special Rapporteur's mandate to be carried out effectively, a better understanding is needed of freedom of religion and belief and of the bases, dimensions, and manifestations thereof and problems relating thereto. In addition to the above-mentioned recommendations, the Special Rapporteur believes that priority should be given to developing research in this area through studies, such as a study on proselytism, freedom of religion and poverty. An initial series of studies on freedom of religion and belief and economic, social and cultural rights could be launched. The treaty bodies - the Human Rights Committee, the Committee

on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination – are strongly encouraged to contribute to this endeavour.

93. The Special Rapporteur believes that his reports should systematically cover all States, religions and beliefs, ensuring that a summary/analysis of economic, social, cultural, civil and political data is included for each State, in order to ensure a better understanding of the cases and situations of intolerance and discrimination based on religion and belief. A balanced approach, drawing on positive initiatives and situations in matters of religion and belief, would also be taken. In line with such an approach, and in order to correctly reflect how his mandate has evolved, the Special Rapporteur reiterates his recommendation that the title "Special Rapporteur on Freedom of Religion and Belief" should be adopted.

94. Generally speaking, and in line with the method suggested above, the Special Rapporteur recommends that the United Nations should prepare a report on human rights covering all States based on inputs from the various United Nations human rights mechanisms, including special rapporteurs and special procedure working groups.

95. The Special Rapporteur wishes to stress that, in order to implement the above-mentioned recommendations, the financial and human resources made available for carrying out his mandate would have to be considerably increased in order to establish a solid logistical support structure.

96. Finally, the Special Rapporteur wishes to thank all the States, religious communities, non-governmental organizations and individuals cooperating in the implementation of activities under his mandate.

Annex

Follow-up to the report of the Special Rapporteur on the question of religious intolerance on his visit to India from 2 to 14 December 1996* addressed to the Indian authorities and reply of the Indian authorities

[Original: English]

Recommendations

Taking into account paragraph 86 of the report, "the maintenance of religious tolerance presupposes not only economic development, education and a campaign against poverty in order gradually to eliminate the caste system which still survives in practice, but also more informed participation in political life and greater participation in economic life by the population as a whole as a means of preventing the political exploitation of religion to the detriment of tolerance and communal harmony", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and/or envisaged by your Government.

Comments and measures

The Government of India agrees with the Special Rapporteur that economic development in general, the elimination of poverty in particular and education hold the greatest promise for the maintenance of religious tolerance even though there may be no simple cause and effect relationship between poverty and backwardness on the one hand and religious intolerance or facilitation of political exploitation of religion on the other.

It is equally essential to ensure that the weaker sections of society develop a substantial stake in the political, social and economic life of the country while at the same time building and maintaining support for measures in this direction among *all* sections of society. Experience has shown that, sometimes, these very efforts and their positive results can lead to resentment in groups that have traditionally enjoyed a privileged position. This may lead to short-term manifestations of intolerance. It is essential, however, to persist with efforts to enhance greater participation of vulnerable groups which alone can ensure harmony among different sections of society in the long run.

The philosophical and spiritual underpinnings of Indian society have historically imbued it with a high degree of tolerance. Under the pressure of modernization, issues of identity can come to fore, providing opportunities for political exploitation of religion. More informed participation in political life through awareness, constructive mobilization and imaginative use of media would form the basis of any strategy to fight such exploitation. At the same time, appropriate legislative and institutional measures in consonance with the spirit of freedom of expression guaranteed by the Constitution are required to ensure that politics is not used to promote intolerance.

The Government of India would again reiterate the need to avoid oversimplification of the complex social phenomena of the caste system and to maintain a distinction between the caste system and caste-based discrimination or disabilities. Manifestation of discriminatory behaviour against members of certain castes are questions related to social prejudice and do not bear any relationship to religious intolerance. Further, under the Indian Constitution, the concept of caste is solely and exclusively related to Hindus and Sikhs alone and persons professing any other religion do not have a caste classification, although there are variations in practice, which only goes to show that caste merely denotes a social or class distinction. The term "caste" has its origins in the functional division of Indian society during ancient times and, to an extent, it is akin to the system of guilds and clans prevalent earlier in the West. However, with the passage of time, the system became rigid, stratified and exploitative leading to discrimination against those who enjoyed low status in the traditional Hindu caste hierarchy and were thereby exposed to *invidious* treatment, severe social disabilities and deprivation of economic, social, cultural and political opportunities. The elimination of caste-based inequities is crucial to the promotion of tolerance *in general* and there is an across-the-board commitment at the highest level to root out social prejudices and the accumulated socio-economic backwardness of the so-called lower castes.

The measures taken to promote economic development and eliminate poverty include not only macro-level programmes and policies for economic growth but also programmes of human development with emphasis on health, education and minimum needs and directly targeted programmes for poverty alleviation through employment

* E/CN.4/1997/91/Add.1

generation, training and building up asset endowment of the poor. Indeed, elimination of past injustices through affirmative action and the eradication of poverty through democratic methods are in-built in the development process in India. The success of this process is seen to be crucially dependent on the full participation of vulnerable sections, democratic decentralization and effective functioning of grass-roots democratic institutions and the political and economic empowerment of the socially disadvantaged sections of the population.

The economic reforms and liberalization measures since 1991 have accelerated economic growth, reduced inflation and have positively influenced living standards and social indicators. The Government of India intends to pursue with vigour its goal of growth with justice through economic reforms with a humane face.

India has abolished by law caste-based discrimination and has put in place extensive penal provisions to implement the same. Consequent to the abolition of *untouchability* in the Indian Constitution, special legislation such as the Protection of Civil Rights Act, 1955, and the Prevention of Atrocities Act, 1959, has been enacted to combat prejudices and atrocities against the Scheduled Caste communities. The Indian strategy for fighting disabilities resulting from membership of a particular caste has evolved over a long period of time and enjoys universal backing politically and institutionally. This strategy is multi-faceted and encompasses constitutional and legal measures as well as developmental and welfare programmes and policies. It is our firm belief that this strategy has succeeded in significantly reducing the socio-economic gap between members of disadvantaged castes and the social mainstream. A separate National Commission for Scheduled Castes and Scheduled Tribes is playing an important role as part of the institutional framework. Apart from constitutionally guaranteed reservations in the federal and state legislatures and an affirmative action programme of jobs in the Government and placement in educational institutions, a scheme of Special Component Plans has been used to focus financial resources for the spread of education, skill upgrading and assistance for self-employment activities for these groups. All state governments and federal ministries have to earmark funds under such schemes at least in proportion to the population of such groups in the specific situation.

These conscious efforts as well as the effective functioning of democracy in India have generated self-sustaining political movements composed largely of hitherto downtrodden sections of Indian society. After moving into positions of power, members of such sections are giving a new meaning to efforts for the betterment of their lot. That this has taken place without a major social upheaval is a significant achievement of Indian democracy.

Recommendations

Taking into account paragraph 91 of the report, "steps must be taken to increase awareness of the existence and dangers of extremism because, despite the fact that it is confined to a minority, its influence on the masses through political parties, places of worship, schools and even seats of power, could well destroy community and religious harmony in India. With a view to safeguarding religious tolerance and thus ensuring the protection of the rights and freedoms guaranteed by law to religious communities (freedom of belief, freedom to practise a religion and therefore to proselytize, to change religion, etc.), the Special Rapporteur wishes to make certain recommendations designed to combat extremism of all kinds", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and/or envisaged by your Government.

Comments and measures

We agree with the Special Rapporteur that extremism, even if confined to a minority, has the potential to affect gravely intercommunity harmony in India, or for that matter any country. The Government of India is alive to the dangers of extremism and has used legislative measures like the Unlawful Activities (Prevention) Act, 1967, to curb public fund-raising and propaganda activities of extremist organizations whose activities are prejudicial to communal harmony. These measures have also served to stigmatize these organizations in the public mind and arouse public consciousness against them.

Civil society has a major role in combating extremism. Manifestations of religious extremism, however unfortunate they may be, have also served to focus attention on this problem and resulted in a significant political and intellectual mobilization against such aberrations. The Government of India encourages and supports such mobilization.

Recommendations

Taking into account paragraph 92 of the report, "T[illegible] Special Rapporteur considers it essential that t[illegible] Representation of the Peoples Act, 1951, should be scrupulously implemented and that in addition it should be speedily supplemented by a new act debarring political parties from the post-election use of religion for political

ends. As the riots in Ayodhya, Bombay and Punjab have shown, religious parties, spokesmen and standard-bearers are not always of a nature to promote tolerance and human rights", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and/or envisaged by your Government.

Comments and measures

Electoral reforms have been a continued feature of the Indian polity. India has an independent constitutional body, the Election Commission of India, to supervise elections both at the Federal and state levels. Its impartial and strict handling of elections is widely recognized. The Representation of Peoples Act, 1951, is the major law governing elections in India. The Government is committed to the scrupulous implementation of this Act. Whenever a need has been felt to amend certain sections/provisions of the Act, the Election Commission has made suitable recommendations and new provisions have been brought in or existing ones amended. For example, the Act underwent significant changes in August 1996. The Supreme Court has also contributed to the process of electoral reforms through a number of landmark judgements (e.g. Civil Petition No. 24 of 1995 on election expenditure).

Appeal to religion is prohibited under the Indian election laws and the case law on this is well-established. There is a related legislation to prevent the misuse of religious places for political purposes (discussed later). While existing election laws are deemed by the Government of India to provide sufficient safeguards, legislation in all important areas including elections is under the constant scrutiny of the Parliament.

Recommendations

Taking into account paragraph 93 of the report, "The Special Rapporteur also considers that places of worship should be used exclusively for religious, and not political, purposes. As places for prayer and meditation, they should be protected against tension and partisan struggle. The State should therefore ensure that places of worship remain neutral ground and are sheltered from political currents and ideological and partisan controversy. In this connection the Special Rapporteur urges that the dispute concerning Ayodhya should be settled on terms acceptable to the Muslim and Hindu communities. Although the Babri Masjid case can be partially settled by legal means, it must be approached with an exceptional degree of caution and an equally exceptional degree of wisdom. Calling into question situations and rights that are rooted in the distant past is likely to open the door to a sequence of events which could have unforeseeable consequences and in particular lead, through acts of violence performed in the name of an extremist conception of religion, to disorders in various parts of India, the news of which, as it spreads internationally and, more especially, throughout the region, may affect peace and security within the region. The most logical solution would seem to be to restore these places of worship as they were before the riots occurred – unless the religious communities concerned decide to effect a symbolic exchange as a means of cooling passions and reducing tensions. The authorities must remain on the watch to prevent the recurrence of such traumatic incidents, which are sources of division and hate between communities. It is important that the Indian authorities should be fully aware that the dangers in this area are not purely theoretical", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and/or envisaged by your Government.

Comments and measures

The Special Rapporteur has rightly observed that places of worship should be used exclusively for religious purposes. In the light of serious incidents of abuse of religious places, the Religious Institutions (Prevention of Misuse) Act, 1988, was enacted with a view to maintaining the sanctity of religious places and to prevent their misuse for political or criminal activities. It, *inter alia*, casts responsibility on the management of the concerned institution to inform the police in the event of misuse of the place of worship. The Act also prohibits storage of arms and ammunition inside any place of worship. The Government of India is committed to ensuring that religious places are not misused for the promotion of intolerance.

Ayodhya issue

By the Supreme Court judgement of 24 October 1994, the pending suits and other proceedings relating to the disputed Ram Janma Bhoomi-Babri Masjid area have been consolidated for final adjudication of the dispute by the Allahabad High Court. The role of the central Government, which was vested with the control of the disputed area by an earlier ordinance, has been limited by this judgement to that of a statutory receiver with the duty to maintain the status quo till the adjudication of the title suits. Thus, the disputed area cannot be handed over to anybody for construction of a temple, mosque or any other structure except as decided by the High Court in the title suits. In compliance with the above judgement, the central Government has made all appropriate arrangements to maintain the status quo in the disputed area.

As regards the observation made by the Special Rapporteur that the dispute be settled on terms acceptable to the Muslim and Hindu communities, it may be mentioned that prior to the demolition of the disputed structure on 6 December 1992, negotiations were held between the representatives of both communities to resolve the dispute. However, no final agreement could be reached. The Supreme Court judgement dated 24 October 1994 has also recognized the role of negotiations and made relevant observations in this regard.

Further, the Special Rapporteur may be interested to note that the Central Bureau of Investigation (CBI), which had been entrusted with the investigation into the offences connected with the demolition of the disputed structure on 6 December 1992, has filed charge sheets against 49 persons. The Special Judge (Ayodhya Issue) CBI, Lucknow passed a detailed order on 9 September 1997 holding that there is a *prima facie* case for charging the 49 accused persons of commission of the offence of criminal conspiracy and other offences. Thirty-three out of 49 accused have filed revision petitions at the Lucknow Bench of the Allahabad High Court. Hearing on these cases has started as of 20 January 1998 on a day-to-day basis. In the meantime, the trial court has directed the CBI to frame charge sheets by 29 January 1998.

Recommendations

Taking into account paragraph 94 of the report, "The financial dependence of political and religious movements on foreign countries is obviously fraught with consequences at all levels", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and or envisaged by your Government.

Comments and measures

The Foreign Contributions Regulation Act, 1976, regulates the transfer of funds for social or religious organizations. Organizations that wish to get contributions from abroad have to register themselves and state the source and purpose of these funds. Political parties are barred from raising funds abroad. The real challenge, however, is the flow of illegal funds. The problem of illegal money-laundering and flow of funds for purposes such as terrorism and illicit drugs has now become a global problem. In India also, illegal channels have been used by many extremist organizations to fund their activities from abroad. The Indian Government is alive to this challenge. Greater vigilance to prevent such illegal inflows is being exercised. Efforts are also under way to update Indian legislation dealing with foreign exchange flows so as to more effectively address these concerns. India also intends to pursue cooperation with other countries and relevant international organizations on different aspects of money-laundering and illegal money flows.

Recommendations

Taking into account paragraph 95 of the report, "Schools in particular should be protected against all forms of political and ideological indoctrination", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and or envisaged by your Government.

Comments and measures

The Indian Constitution prohibits the imparting of religious instruction by any educational institution maintained by the State while guaranteeing the right of minorities to maintain and run their own educational institutions. Different institutions and programmes related to curriculum development, textbook evaluation, selection of teachers and teacher training are designed to ensure that schools are not used for ideological or political indoctrination that can promote intolerance. At the same time, the values of religious tolerance, secularism, development of a scientific temper and sensitization to the problems of the weaker sections of society are consciously included in school education.

The Special Rapporteur is aware of some of the efforts in the field of values education. The National Council for Teacher Education and the National Council for Educational Research and Training (NCERT) have developed self-learning modules on "human rights" and "national values" and the NCERT sourcebook for teachers on human rights is currently being translated into Hindi. The National Human Rights Commission of India, in association with the Department of Education of the Ministry of Human Resource Development, has also taken steps to enhance human rights awareness, through education at school as well as at the college level. At the university level, the University Grants Commission has identified ten universities for establishing facilities for courses on human rights.

Recommendations

Taking into account paragraph 96 of the report, "Education can play a vital role in preventing intolerance, discrimination, hate and violence (including violence motivated by extremism) by creating and disseminating a culture of tolerance among the masses and the most

disadvantaged segments of the population. It can make a decisive contribution to the assimilation of values based on human rights by the use of school curricula and textbooks reflecting principles of tolerance and non-discrimination. This approach has already been adopted to some extent by the Indian authorities in the education sector through dissemination of the values of tolerance and mutual respect, as was confirmed during the course of the mission during visits to schools, in discussions with pupils and teachers and by the perusal of textbooks. However, this approach must be adopted throughout the country to cover India's entire private and public school system in order to develop the awareness of the masses. It is of vital importance that human rights and tolerance should become the concern of all and not remain the exclusive preserve of the elite", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and or envisaged by your Government.

Comments and measures

As observed by the Special Rapporteur, the broad-basing of the teaching of tolerance, specially in a country with a high rate of illiteracy, is of vital importance. The teaching of tolerance has to start with universal education and what is taught in schools has to be supplemented by the family, social and religious organizations and the media. Modern as well as traditional media of mass communication are also being used for the promotion of national integration. Campaign programmes for adult literacy have a built-in component of this nature. These activities would receive a further impetus from the National Action Plan, currently under elaboration, to realize the goals of the United Nations Decade on Human Rights Education. Commemorative activities being planned for the fiftieth anniversary of the Universal Declaration on Human Rights also have a strong promotional human rights education focus. The above approaches will build on the strengths of Indian society and avoid the impression of being "top-down" or pedagogical.

Recommendations

Taking into account paragraph 97 of the report, "The Special Rapporteur also recommends that the Centre for Human Rights should provide advisory services on the organization at the federal and State level of training courses for teachers in preschool, primary or basic and secondary educational establishments to make them aware of the importance of teaching the principles of tolerance and non-discrimination based on religion and belief", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and or envisaged by your Government.

Comments and measures

The various programmes described in the preceding paragraphs indicate the high level of importance given to the teaching of tolerance in India through human rights education. Further, through its resolution on tolerance and pluralism at the Commission on Human Rights, India has also been encouraging the Office of the High Commissioner for Human Rights to develop expertise in propagating these values through its own programmes. We would be happy to see the results of such work carried out by the Office of the High Commissioner for Human Rights, including in the area of best practices for the promotion of tolerance.

Recommendations

Taking into account paragraph 98 of the report, "As regards Jammu and Kashmir and Punjab, the Special Rapporteur urges all the parties concerned — official and non-official, national and foreign — to act calmly and refrain from exacerbating religious problems to ensure that immutable religious principles are not affected by political considerations at the expense of the religious rights of the communities and, more generally, of tolerance and non-discrimination based on religion or belief", the Special Rapporteur would appreciate if you could indicate your comments as well as measures undertaken and or envisaged by your Government.

Comments and measures

We agree with the Special Rapporteur that religion should not be exploited to further a political programme, either national or international. The maintenance of religious tolerance or the protection of human rights in general has been affected adversely in certain areas by the activities of non-State actors. While dealing firmly with violent extremism, India will strive to ensure that this has no impact on tolerance, religious rights of minorities and non-discrimination based on religion and belief. In this task, it takes comfort from the innate respect for diversity in the Indian ethos. It is significant to note that despite a clear plan to widen the communal divide through terrorist attacks, communal violence never became a problem in either Punjab or Jammu and Kashmir.

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Item 112 of the provisional agenda*

Right of peoples to self-determination

Report of the Secretary-General

I. Introduction

1. In its resolution 52/113 of 12 December 1997, the General Assembly, *inter alia*, requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression and occupation, and requested the Secretary-General to report on this question to the Assembly at its fifty-third session under the item entitled "Right of peoples to self-determination".

2. At its fifty-fourth session, the Commission on Human Rights considered agenda item 7, entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation", together with item 4, entitled "The question of the violation of human rights in the occupied Arab territories, including Palestine".[1] An account of the Commission's consideration of the items is contained in the relevant section of the Commission's report.[1]

3. Under agenda item 7, the Commission, on 27 March 1998, adopted three resolutions: resolution 1998/4, on the situation in occupied Palestine; resolution 1998/5, on the question of Western Sahara; and resolution 1998/6, on the use of mercenaries as means of violating human rights and impeding the exercise of the rights of peoples to self-determination.

4. On 27 May 1998, the Secretary-General addressed a note verbale to all Governments drawing their attention to General Assembly resolution 52/113 and requesting them to submit any pertinent information relating to that resolution.

5. To date, the Office of the United Nations High Commissioner for Human Rights has received two replies in response to the above note of the Secretary-General; the text of the replies is confirmed in section II below. Subsequent replies will appear in addenda to the present report.

II. Replies received from Governments

Jordan

[Original: Arabic]
[25 June 1998]

1. Jordan is one of the States that believe in the right of peoples to self-determination. It has reflected its attitude to the legitimacy of the right of peoples to self-determination in its expressions of support for the Palestinian people in their struggle for the right to self-determination on their national soil and for the establishment of an independent State of their own. This belief has also been embodied in the Jordanian attitude in support of Bosnia and Herzegovina, and

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the attempt to remove the injustice that befell those people and to establish their national identity, and in Jordan's condemnation and denunciation of policies of ethnic discrimination. Jordan supported the draft resolution introduced by Egypt (A/C.3/51/L.25) at the fifty-second session of the General Assembly in 1996 on the right of the Palestinian people to self-determination. Jordan also supported the draft resolution introduced by Pakistan at the same session, concerning the right of peoples to self-determination (A/C.3/51/L.28).

2. Through the policies it pursues in this field, Jordan has consistently stressed the need to condemn all forms of imperialism, racial discrimination and segregation, to recognize the right to self-determination and to grant independence to colonized peoples, in order to guarantee human rights and promote their realization in the most effective manner.

3. As to the Jordanian approach to the right to self-determination, Jordan supports the idea of dealing with this issue through a single criterion for all peoples in a way conducive to the independence of all peoples under imperialism or foreign occupation, in order to enable them to establish their entities and independent, sovereign States. This right should be granted to all States and peoples; they should not be dealt with in a selective manner. This should ultimately lead to the rise of independent and stable States and entities.

Portugal

[Original: English]
[14 July 1998]

1. In the view of the Government of Portugal, the recognition of the principle of self-determination represented a very significant victory for mankind and an important step towards respect of a right which has been (and still is) forgotten for long periods of history in different regions of the world, where the will and aspirations of the people were (and still are) not being taken into account.

2. In accordance with this principle, Portugal ratified the two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, having also recognized the competence of the Committee on Human Rights by ratifying the Optional Protocol to the former.

3. In the same spirit, Portugal in 1974 accepted General Assembly resolution 1515 (XV), of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which the Assembly declared that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of peace and cooperation. The Declaration provides also that "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

4. In accordance with these principles, the Portuguese Constitution states in its article 7 that:

> "(1) In its international relations, Portugal shall be governed by the principles of national independence, respect for human rights, the rights of peoples, equality of States, the peaceful settlement of international disputes, non-interference in the internal affairs of other States and cooperation with all other peoples for the emancipation and progress of mankind.
>
> "(2) Portugal shall advocate the abolition of imperialism, colonialism and all other forms of aggression, domination and exploitation in relations among peoples; and the establishment of a system of collective security, with a view to creating an international order capable of safeguarding peace and justice in relations between peoples.
>
> "(3) Portugal recognizes the right of peoples to self-determination, independence and development, as well as the right to revolt against all forms of oppression."

5. With regard to East Timor, the United Nations has never recognized the annexation of East Timor by the Republic of Indonesia. Therefore Portugal is still considered the administering Power and has a particular responsibility in assisting the people of East Timor to exercise their right to self-determination, as enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples.

6. Portugal has cooperated with the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Although Indonesia's occupation of the territory has de facto prevented Portugal from providing the information required under Article 73 *e* of the Charter of the United Nations, Portugal has kept the Committee apprised of the situation in the Territory and of developments pertaining to the problem of East Timor and

has regularly participated in the sessions of the above-mentioned Committee.

7. In its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report thereon to the General Assembly at its thirty-eighth session. Talks between Portugal and Indonesia are continuing under the aegis of the Secretary-General. The Secretary-General has appointed Ambassador Jamsheed Marker as his Personal Representative for the question of East Timor, with a mandate to represent him in all aspects of his good offices functions pertaining to this issue.

8. The Government of Portugal reiterates its firm commitment to cooperate with the Secretary-General and his Personal Representative in pursuing a just, comprehensive and internationally acceptable settlement of the problem that will take into account the interests of all parties concerned, in particular the right to self-determination of the people of East Timor.

Notes

[1] To be issued as *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23).

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Promotion and protection of the rights of children

Status of the Convention on the Rights of the Child

Report of the Secretary-General

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Introduction

1. The General Assembly, by its resolution 44/25 of 20 November 1989, adopted the Convention on the Rights of the Child. The Convention was opened for signature in New York on 26 January 1990 and entered into force on 2 September 1990, the thirtieth day after the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

2. On 12 December 1998, the General Assembly adopted resolution 52/107 entitled "The Rights of the Child", in which it tackled the issues of the implementation of the Convention on the Rights of the Child; children with disabilities; the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography; the protection of children affected by armed conflict; refugee and internally displaced children; the elimination of the exploitation of child labour; and the plight of children living and/or working on the streets. It requested the Secretary-General to submit to the General Assembly at its fifty-third session a report containing information on the status of the Convention on the Rights of the Child and the problems addressed in resolution 52/107.

Status of the Convention on the Rights of the Child

3. As at 1 August 1998, the Convention had been ratified or acceded to by 191 States. In addition, one State had signed the Convention. (For the list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, see A/52/348, annex.)

Implementation of the Convention on the Rights of the Child

4. The Commission on Human Rights, at its fifty-fourth session, adopted resolution 1998/76 of 22 April 1998, in which it welcomed the role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation; called upon States parties to accept the amendment to paragraph 2 of article 43 of the Convention, and called upon States parties and organs and bodies of the United Nations as well as intergovernmental and non-governmental organizations, the media and the community at large to make the principles and provisions of the Convention widely known and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights; decided to request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention and requested the Office of the High Commissioner for Human Rights to brief Governments regularly on the implementation of the Plan of Action.

5. The Committee on the Rights of the Child held its sixteenth, seventeenth and eighteenth sessions at the United Nations Office at Geneva from 22 September to 10 October 1997, 5 to 23 January 1998 and 18 May to 5 June 1998, respectively (for the reports of the Committee on these sessions, see CRC/C/69, CRC/C/73 and CRC/C/75).

6. The United Nations Children's Fund (UNICEF) continues to provide support to States parties at all stages of the implementation and reporting process. An in-built child rights thrust is now evident in most country programmes and projects. Country offices actively advocate for legislative reform and offer technical assistance in the drafting of new laws and constitutional amendments to bring national law into conformity with the Convention. In January 1998, UNICEF also launched the *Implementation Handbook for the Convention on the Rights of the Child*, a practical tool which records the interpretation of the Committee on the Rights of the Child in relation to its examination of reports of States parties. UNICEF has placed increased emphasis on the fulfilment of article 29, the right to education, focusing on improving access to education for all. This will be reflected in the 1999 State of the World's Children report, which will specifically address education. UNICEF organizes an Education for Development programme, aimed at helping young people develop democratic values such as global solidarity, anti-racism, peace, tolerance and social justice. It has also supported initiatives to promote children's participation, which have focused on the parliamentary process, including children's elections and parliaments.

Children with disabilities

7. At its sixteenth session, the Committee held a general discussion on the issue of children with disabilities. The

thematic discussion was organized around the following three main topics: the right of children with disabilities to life and development; self-representation and participation of children with disabilities; and the entitlement of such children to inclusive education. The discussion day attracted a record attendance of about 100 representatives from various United Nations organs and bodies (including the Special Rapporteur on Disability of the Commission for Social Development) and specialized agencies, non-governmental organizations, research institutions, individual experts and children, including disabled children. It generated a lively debate, centred on ways to challenge the widespread abuse of the fundamental rights of disabled children, through the promotion of a process of participation and inclusion.

8. Protection underscores the UNICEF-backed initiatives to prevent childhood disability. Efforts are currently being made to: (a) prevent disabilities among 20 per cent of the child population who are hardest to reach; (b) prevent disabilities, trauma and injuries from landmines and protect children at risk in countries affected by armed conflict; (c) prevent birth-related trauma and injuries and brain damage; and (d) ensure and sustain preventive health and nutrition measures for the care and development of the young child. UNICEF is assisting States parties in taking the necessary measures to protect the human rights and fundamental freedoms of children with disabilities by raising awareness of disability issues among intergovernmental and non-governmental organizations, etc., providing information and guidelines and highlighting areas for reform. In order to promote an integrated approach, ensuring the active participation of disabled children in all aspects of life but particularly in education, UNICEF is strengthening its capacity to support innovative community-based rehabilitation projects.

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

9. The Commission on Human Rights in its resolution 1998/76 welcomed the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Mrs. Ofelia Calcetas Santos (E/CN.4/1998/101 and Add.1 and 2), which contained a general overview of the latest developments at the national and international levels on the themes under her mandate, and focussed on the role of the media and of education in the prevention of the problem of commercial sexual exploitation of children and in the assistance, rehabilitation and reintegration of the child victims; it also decided to request the working group on draft optional protocol on the sale of children, child prostitution and child pornography to meet for a maximum of two weeks prior to the next session of the Commission and redouble its efforts with the aim of finalizing the draft by the tenth anniversary of the Convention.

10. In accordance with the request of the General Assembly for States to implement measures in line with the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (A/51/385, annex), UNICEF has supported country-level activities leading towards the development of national plans of action. UNICEF is collaborating in a number of countries to address commercial sexual exploitation with specific emphasis on trafficking of women and children, and the problem of sex tourism. UNICEF also supports an initiative aimed at creating an international framework for legislation to protect women and children from commercial sexual exploitation as well as capacity-building efforts in the area of psychosocial care and reintegration of child victims.

Protection of children affected by armed conflict

11. The appointment for three years of the Special Representative of the Secretary-General on the impact of armed conflict on children was welcomed by the Commission on Human Rights, which also decided to request the working group on the draft optional protocol on the involvement of children in armed conflicts to meet in early 1999, primarily to consider the Chairman's report on the status of informal consultations to be held with the aim of promoting an early agreement and to request the working group to meet for a maximum of two weeks if the group decides that an agreement on the draft optional protocol is possible at the fifty-fifth session of the Commission.

12. UNICEF is acting as a catalyst in efforts to ensure the adoption of the Optional Protocol on raising the age limit for recruitment. UNICEF is supporting projects on the prevention of the recruitment of children in armed conflict, the demobilization of ex-child soldiers, the reunification of children separated from their family and the protection and psychosocial reintegration of children affected by armed conflict and organized violence. Central to all UNICEF's activities in this area is the inclusion of respect for child rights within emergency and humanitarian policies and programmes. UNICEF is fully committed to: (a) ratification

of the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; (b) mine awareness and education through the production of an animated film and comic books on the danger of landmines; and (c) programmes of national and international non-governmental organizations and local governments on the physical and psychosocial rehabilitation of landmine survivors. In relation to child soldiers, UNICEF is currently developing strategies to prevent the recruitment of children, including improving access to alternative services, such as education and vocational training and access to income-generating activities, for children most at risk of recruitment. The physical and psychological well-being of children during and after armed conflict is also a priority for UNICEF. In this regard, UNICEF is developing strategies to prevent family separation and to support family reunification, as well as psychosocial interventions in a number of countries.

13. As regards refugee and internally displaced children, the policy on refugee children of the Office of the United Nations High Commissioner for Refugees (UNHCR), applicable to all persons of concern to the Office under 18 years of age, acknowledges that the Convention on the Rights of the Child serves as UNHCR's "normative frame of reference". The consequential revision of the guidelines on refugee children, the handbook *Refugee Children: Guidelines on Protection and Care*, adopts a human rights perspective using the articles in the Convention to set UNHCR's standards. Similarly, the "Action for the Rights of Children" (ARC) training and capacity-building initiative on behalf of refugee children and adolescents, which is a collaborative effort between UNHCR and the International Save the Children Alliance, adopts the framework of the Convention in its series of training modules. The protection and care of children in times of armed conflict remains a high priority for UNHCR. UNHCR is often the first to respond to emergencies and is therefore in a unique position to exercise leadership regarding humanitarian assistance to displaced children. UNHCR has formulated a wide-ranging strategy to implement the recommendations of the Machel study (A/51/306), concentrating on five key areas: under-aged military recruitment, sexual exploitation, education, separated minors and adolescents. Four new Regional Policy Officers (Children) have been deployed in critical regions – Central Asia, the Commonwealth of Independent States (CIS), the Horn of Africa and West Africa – to help the field operations with needs assessments and protection-based programme innovations. UNHCR, in collaboration with UNICEF and non-governmental organizations, also continues to make strides in improving its efforts on behalf of separated refugee children. Indeed, owing to the special vulnerability of unaccompanied minors, UNHCR gives priority to programmes for family tracing and reunification, and greater attention is given to separated minor asylum-seekers, training for field staff on protection and programming for separated children, the establishment of regional networks for tracing and reunification, and increased focus on community-based care for separated children. To assist in the proper implementation of age-appropriate status determination procedures and the identification of durable solutions, UNHCR also issued guidelines in 1997 on policies and procedures in dealing with unaccompanied children seeking asylum.

Elimination of the exploitation of child labour

14. The exploitation of child labour has been a matter of deep concern to the international community for many years and various measures have been envisaged to guarantee the right of the child to be protected from economic exploitation and from performing work likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development. The Commission on Human Rights in its resolution 1998/76 welcomed measures taken by Governments to eliminate the exploitation of child labour and the efforts of the Committee on the Rights of the Child in the area of child labour.

15. The number of countries which have ratified International Labour Organization (ILO) Convention No. 138 on Minimum Age has increased to 64; the number of ratifications of ILO Convention No. 29 on Forced Labour has increased to 146. To complement the existing international labour standards, ILO member States, at the International Labour Conference held in June 1998, discussed the issue of child labour with a view to establishing new international instruments aimed at the prohibition and immediate elimination of the worst forms of child labour, which should comprise:

(a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom;

(b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) The use, procuring or offering of a child for illegal activities, in particular for the production and trafficking of drugs;

(d) Any other type of work or activity which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of children.

16. The need for tripartite consultation at all levels of implementation of the Convention on the Rights of the Child was stressed, as was the importance of effective enforcement, including penal and other sanctions; monitoring mechanisms; programmes of action; and time-bound measures to prevent children from engaging in the worst forms of child labour, to remove them from these situations and to offer appropriate rehabilitation and social reintegration through, among other things, access to free basic education. ILO member States were also called upon to assist one another in giving effect to the provisions of the Convention through international cooperation or assistance. At the end of the Conference, a resolution was adopted to place this item on the agenda of the next session, in June 1999, with a view to adopting a Convention and Recommendation on the subject.

17. The International Programme on the Elimination of Child Labour (IPEC) provides ILO with an operational arm to assist countries in formulating national policies on child labour in line with international standards and to build the national capacity to combat child labour. IPEC has drawn strength and inspiration not only from ILO Conventions but also from the work of the United Nations system in general. It is an action-oriented programme and its priority is to prevent child labour, withdraw children from work and provide alternatives to them and their families. The programme's operational approach is multi-sectoral and broad-based: motivating a broad alliance of partners; carrying out situational analyses; assisting in the development and implementation of national policies; strengthening existing organizations and setting up institutional mechanisms; creating awareness on the problem; promoting the development and application of protective legislation; and replicating and expanding successful projects into programmes of partners. IPEC is active in over 50 countries and is implementing programmes in Africa, Asia and Latin America and the Caribbean. The programme has also been active at the global and regional levels, organizing and participating in important child labour conferences and undertaking ground-breaking work in the areas of research and statistics. IPEC activities are increasingly focusing on the elimination of hazardous and the worst forms of child labour on a priority basis.

18. UNICEF is continually strengthening its partnerships with ILO and the World Bank in the area of child labour. In order to assist Governments in implementing their international obligations to eliminate child labour, UNICEF has been instrumental in formulating national action plans. As a result, UNICEF, with the financial support of the Government of Norway, will be able to embark on a global programme of action focused in a number of strategic countries. As recognized by the General Assembly, education must play a key role in the global strategy against child labour. UNICEF has therefore used education grants to help reduce drop-out rates; supported community-based primary education projects and provided educational alternatives for working children.

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Programme of activities of the International Decade of the World's Indigenous People

Status of the United Nations Voluntary Fund for Indigenous Populations

Report of the Secretary-General

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I. Mandate of the United Nations Voluntary Fund for Indigenous Populations

1. The United Nations Voluntary Fund for Indigenous Populations was established pursuant to General Assembly resolution 40/131 of 13 December 1985 to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities by providing them with financial assistance funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities. According to the same resolution, the Secretary-General was mandated to present a biennial report to the General Assembly on the activities undertaken with the resources of the Fund, showing income and expenditure, assets and liabilities and pledges and payments received for the Fund.

2. The General Assembly extended the mandate of the Fund by resolution 50/156 of 21 December 1995 by deciding that the Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional Working Group of the Commission on Human Rights established by the Commission in its resolution 1995/32 of 3 March 1995, as endorsed by the Economic and Social Council in its resolution 1995/32 of 25 July 1995.

II. Board of Trustees

3. The Fund is administered in accordance with the Financial Regulations and Rules of the United Nations by the Secretary-General assisted by a Board of Trustees. The mandate of the Board is to advise the Secretary-General on the administration of the Fund, through the Office of the United Nations High Commissioner for Human Rights.

4. The Board is composed of five persons with relevant experience with issues affecting indigenous populations, who serve in their personal capacity. The Board members are appointed by the Secretary-General, in consultation with the Chairperson of the Subcommission on Prevention of Discrimination and Protection of Minorities, for a three-year renewable term. At least one member is a representative of a widely recognized organization of indigenous people.

5. The five members who have been appointed by the Secretary-General for the period from 1997 to 1999, with due regard to equitable geographical distribution, are themselves indigenous people: Mr. Michael Dodson (Australia), Mr. Ole Ntimama (Kenya), Ms. Tove Petersen (Greenland/Denmark), Ms. Nina Pacari Vega (Ecuador) and Ms. Victoria Tauli-Corpuz (Philippines), who served as the Board's Chairperson at its tenth and eleventh sessions.

6. According to the criteria established by the General Assembly in resolution 40/131, the beneficiaries of assistance for the Fund are representatives of indigenous peoples' organizations and communities: (a) who are so considered by the Board of Trustees; (b) who would not, in the opinion of the Board, be able to attend the sessions of the Working Groups without the assistance provided by the Fund; and (c) who would be able to contribute to a deeper knowledge on the part of the Working Groups of the problems affecting indigenous populations and who would secure a broad geographical representation.

7. Application forms are received by the secretariat of the Fund and Board no later than 15 February; they are then evaluated, summarized and presented at the annual session of the Board.

III. Contributions and pledges

8. In order to meet requests for financing during the current year, contributions must be paid to the Fund by March, to be available and duly recorded when the annual session of the Board of Trustees is held. Any contribution made later than March is carried over to the following year.

A. Contributions

9. The following contributions were received from Governments from 22 April 1996 to 1 July 1998:[1]

State	*Amount (US$*	*Date*
Canada	10 799	04 03 1997
	10 110	01 05 1998
Cyprus	1 000	13 06 1997
	1 000	12 05 1998
Estonia	900	26 06 1996
	900	10 06 1997
Total	**24 709**	
Finland	44 458	15 01 1997
	39 158	23 12 1997
	38 480	03 06 1998
Greece	6 300	09 05 1996
	6 000	20 05 1996
	6 000	29 05 1997
	6 300	03 06 1997
	6 300	14 04 1998
	6 000	28 04 1998
Japan	20 000	12 04 1996
	20 000	31 03 1997
	20 000	19 03 1998
Netherlands	36 688	10 06 1997
	36 968	10 06 1998
New Zealand	20 357	02 07 1996
Norway	41 131	30 12 1997
Switzerland	20 548	27 01 1998
Tunisia	1 067	31 12 1996
Total	**400 464**	

10. The following contributions were received from non-governmental organizations from 22 April 1996 to 1 July 1998:[1]

Donor	*Amount US$*	*Date*
Aboriginal and Torres Strait Islander Commission	15 951	15 05 1996
	14 817	02 07 1997
Shumin Gaikou Centre	1 300	14 04 1997
	1 500	18 03 1998
Total	**33 568**	

B. Pledges

11. The following pledges were outstanding as at 1 July 1998: Sweden (US$) 63,291 on 26 May 1998 and the Aboriginal and Torres Strait Islander Commission (AUS$) 20,000 on 2 June 1998.

IV. Tenth session of the Board

12. The tenth session of the Board of Trustees was held at Geneva from 21 to 25 April 1997. The session was attended by Mr. Michael Dodson, Ms. Tove Petersen and Ms. Victoria Tauli-Corpuz (Chairperson-Rapporteur). Mr. Ole Ntimama and Ms. Nina Pacari Vega were not able to attend the Board's session. Ms. Victoria Tauli-Corpuz was elected Chairperson-Rapporteur.

A. Financial situation of the Fund

13. In accordance with the rules governing the United Nations voluntary trust funds, the Board, at its tenth session, had approximately US$ 104,464 available for travel grants.

B. Requests for assistance

14. The Board of Trustees considered 47 applications from indigenous communities and organizations requesting financial assistance to participate in the fifteenth session of the Working Group on Indigenous Populations, held at Geneva from 17 July to 1 August 1997, and five applications requesting financial assistance to participate in the third session of the Working Group established by the Commission on Human Rights, held at Geneva from 27 October to 7 November 1997.

C. Recommendations of the Board of Trustees

15. After examining the applications the Board recommended: 22 grants, with an estimated total amount of US$ 77,924, for representatives of indigenous communities and organizations to attend the session of the Working Group of the Subcommission (see annex I.A) and five grants, with an estimated total amount of US$ 24,760, for representatives

of indigenous communities and organizations to attend the session of the Working Group of the Commission on Human Rights (see annex I.B).

16. As part of the reporting cycle, the Board held a meeting with interested donors, informed the participants about recommendations adopted and answered questions.

D. Implementation

17. The recommendations of the Board of Trustees were approved by the Officer-in-Charge of the Office of the United Nations High Commissioner for Human Rights. The travel grants for the beneficiaries were paid on time, to assure the participation of the beneficiaries at the sessions of the two Working Groups.

V. Eleventh session of the Board

18. The eleventh session of the Board of Trustees was held at Geneva from 30 March to 1 April 1998 with the participation of Mr. Michael Dodson, Ms. Tove Petersen and Ms. Victoria Tauli-Corpuz. Mr. Ole Ntimama informed the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, that with great regret he had to resign as member of the Board. Ms. Nina Pacari Vega did not attend the Board's session. The session was opened by Mrs. Robinson.

A. Financial situation of the Fund

19. According to information made available to the Board, a sufficient amount of money was available and had been authorized to implement the cost plan for expenditure envisaged for 1998 on the basis of the recommendations made by the Board in 1997. The recommendations were: to allocate about US$ 120,000 for 30 grants to cover travel and stipend expenses for approximately 30 indigenous representatives to attend the sixteenth session of the Working Group on Indigenous Populations from 27 to 31 July 1998 and to allocate about US$ 80,000 for approximately 20 indigenous representatives to attend the fourth session of the Working Group of the Commission on Human Rights on the elaboration of a draft declaration on the rights of indigenous peoples from 19 to 30 October 1998.

B. Requests for assistance

20. The Board of Trustees considered applications from indigenous communities and organizations requesting financial assistance to participate in the sixteenth session of the Working Group on Indigenous Populations and applications requesting financial assistance to participate in the fourth session of the Working Group of the Commission on Human Rights on the elaboration of a draft declaration on the rights of indigenous peoples, which represented a total of 75 potential beneficiaries from approximately 250 indigenous communities to participate in the meetings of the two Working Groups.

C. Recommendations of the Board of Trustees

21. After having examined the applications, the Board recommended that grants, with an estimated total amount of US$ 144,250, be awarded to 50 representatives of indigenous communities and organizations to attend the session of the Working Group of the Subcommission (see annex II.A).

22. The Board also recommended that grants, totalling approximately US$ 11,126, be awarded to three representatives of indigenous communities and organizations to attend the session of the Working Group of the Commission on Human Rights (see annex II.B).

23. The Board discussed the reasons why the Fund had received so few applications to participate in the deliberations of the Working Group of the Commission on Human Rights, recommended that its secretariat invite applications from organizations authorized to participate in the Working Group and extended the deadline for consideration of applications to 31 July 1998. New applications will be analysed and summarized by the secretariat; Board members will be consulted by the end of August 1998 for recommendations for grants to a maximum amount of US$ 50,000; and the beneficiaries will be informed and their travel arrangements organized in September.

24. As part of the established practice of reporting on the use of voluntary contributions, donors were invited to attend a special one-hour meeting with the Board. The Board members expressed their gratitude to the donors for their contributions to the Fund and recommended a sustained effort and, if possible, an increase in contributions.

25. The Board members followed up on a proposal made by the United Nations High Commissioner for Human Rights to assist them in their fund-raising efforts and recommended that Mrs. Robinson send a letter of appeal to donors for additional contributions, to be paid by the end of the year, to allow the Board to further increase the number of grants and the representation of indigenous communities and organizations next year.

26. The Board encourages indigenous peoples' organizations to submit applications for the participation of indigenous experts in the "thematic field" for the seventeenth session of the Working Group on Indigenous Peoples in 1999.

D. Implementation

27. On behalf of the Secretary-General, the United Nations High Commissioner for Human Rights approved all recommendations made by the Board of Trustees. Implementation of the recommendations began in April when travel arrangements were made allowing the beneficiaries to attend the sixteenth session of the Working Group on Indigenous Populations in July.

28. Following a request by the World Intellectual Property Organization (WIPO), the travel arrangements of the beneficiaries of travel grants from the Fund were changed to allow them also to participate in the Roundtable on Intellectual Property and Indigenous Peoples, organized by WIPO on 23 and 24 July 1998. The World Intellectual Property Organization paid for the extra days of stipend for the beneficiaries.

29. Application forms have been sent to all organizations authorized by the Committee on Non-Governmental Organizations to participate in the Working Group of the Commission on Human Rights, encouraging them to apply for funding from the Voluntary Fund.

Notes

[1] According to official receipt vouchers available at the Office of the United Nations High Commissioner for Human Rights.

Annex I

List of recommended beneficiaries of assistance from the Fund to attend

A. Fifteenth session of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities from 17 July to 1 August 1997

State	*Application number*	*Organization*	*Representatives*	*Cost (US$)*	*Gender*
North America					
Canada	1	Deh Cho First Nations	Grand Chief Gerald Antoine-Deh Cho	3 862	M
United States of America	42	Teton Sioux Nation Treaty Council	Ellen Wright	4 002	F
Asia					
India	11	Indian Confederation of Indigenous and Tribal Peoples	Ramdayal Munda	3 032	M
Nepal	9	Kirat Koyu Rais' Uplifting Association	Kumar Rai	3 162	M
Philippines	12	Cordillera Peoples Alliance for the Defense of the Ancestral Domain and for Self-Determination	Joan Carling	3 842	F
South America					
Bolivia	41	Comision Internacional de Derechos de Pueblos Indigenas	Julio Tumiri Apaza	5 072	M
Brazil	35	Comite Intertribial – Memoria e Ciencia Indigena	Marcos Terena	3 612	M
Peru	34	Comision Juridica para el Autodesarrollo de los Pueblos Originarios Andinos, "CAPAJ"	Gladys Vasquez Poma	5 042	F
	38	Aguaruna and Huambisa a Council	Evaristo Ikanan	4 792	M
Central America					
Honduras	40	Confederacion de Pueblos Autoctonos de Honduras	Mauricio Castro	3 672	M
Mexico	24	Union de Comunidades Indigenas Huicholes de Jalisco/Defensa Territorial de Desarrollo de Xapata y Pueblos Wisarikas Segregados por los limites Estatales	J. Candelario Cosio	3 912	M
Africa					
Burkina Faso	20	Association des Femmes Refugiees de l'Azawadau Burkina Faso (representing Touareg people in Mali and Nigeria)	Saoudata Aboubacrine	2 592	F
Kenya	3	Organization for Survival of Illaikipiak Indigenous Masai Group Initiative	Ole J. Ndanereh	2 682	M
Mauritius	6	Chagosian Social Committee	Fernand Mandarin	3 462	M
Nigeria	43	Movement for the Survival of the Ogoni People	Mr. Barika Idamkue	3 952	M

State	*Application number*	*Organization*	*Representatives*	*Cost (US$)*	*Gender*
South Africa	4	The Working Group of Indigenous Minorities in Southern Africa in Namibia The Kuru Development Trust in Botswana The South African San Institute in South Africa[a]		3 282	
United Republic of Tanzania	44	Friends of People Close to Nature	Mahiya Matulu Makala	2 832	M
Europe					
Russian Federation	13	Association of Indigenous People of Sakhalin	Konstantin V. Igran	3 802	M
	27	Association of Evenks in Yakutsk	Vasilyeva Ezhana Ivanova	3 442	F
	28	Mezdurechensk Association of Indigenous Peoples "Altin Shor"	Chulyzhanova Lyubov Ilynichna	2 422	F
	29	Kamchatskaya Association of Indigenous People of the North	Aseyeva Anna Alekseyevna	2 422	F
	30	Nenets peoples' association "Yasavey"	Vilko Yuriy Petrovich	3 032	M
Total (A):				**77 924**	

[a] The Board also agreed to finance one San person to be chosen by the South African San Institute.

B. Third session of the Working Group of the Commission on Human Rights from 27 October to 7 November 1997

State	*Application number*	*Organization*	*Representatives*	*Cost (US$)*	*Gender*
Australia	3	New South Wales Aboriginal Land Council	Mr. Towney	6 946	M
Morocco	5	Association Nouvelle pour la Culture et des Arts Populaires	Chawki Wafaa	2 656	F
Peru	4	Associacion Tea-Amaro Runa	Madeleine Herencia	5 646	F
Philippines	1	Lumad Mindanaw Peoples Federation	Edtami P. Mansayagan	4 816	M
	2	International Alliance of the Indigenous Tribal Peoples of the Tropical Forests	Hermina Minnie Degawan	4 696	F
Total (B):				**24 760**	
Total both Working Groups (A+B):			**24 760 + 77 924 =**	**102 684**	

Annex II

List of recommended beneficiaries of assistance from the Fund to attend

A. Sixteenth session of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities from 27 to 31 July 1998

State	*City*	*Application number*	*Peoples represented*	*Organization*	*Name and gender of representative*	*Estimated cost (US$)*
Algeria	Tzi-Ouzou	21	Berbere of Kabylie	Mouvement Culturel Berbere	Mohamed Ikarbane (M)	1 821
Argentina	Buenos Aires	20	Toba, Wichi, Colla, Mocovi, Mapuche, Diaguita-Calchaqui, Ranquel, Tehuelche, Chorote, Guarani, and Pilaga	Asociacion Indigena de la Republica de Argentina	Rogelio Guanuco (M)	2 821
	San Salvador de Jujuy	46	Kolla Quechua	Instituto Qechwa Jujuymanta	Concepcion Catunta Castro (F)	2 821
					Edilberto Soto de la Cruz (M)	2 821
Bhutan	Thimphu	47	Sharchokpa population	Druk Indigenous People's Rights Organization	Kesang Kinlay Namgyel (M)	2 721
Brazil	Rio Branco-Acre	15	163 different populations, represented by 56 indigenous organizations in the 9 Amazonian states of Brazil	Coordination of Indigenous Organizations of Brazilian Amazonia and Uniao das Nacoes Indigenas do Acre	Sebastiao Manchinery (M)	2 621
	Brasilia	34	Paresi, Umutina	Comite Intertribal – Memoria e Ciência Indigena	Francisca Novantino (F)	3 021
Canada	Calgary	28	Cree, Blackfoot, Stoney, Peigan, Sarcee, Lubicon and others	Canadian Indigenous Women's Resource Institute	Doreen Spence (F)	3 121
Chile	Iquique	27	Mapuches	Federación Provincial de Comunidades Aymaras "Aymar Markas"	Gumercindo Mamani Mamani (M)	3 221
El Salvador	San Salvador	31	10 different communities	Instituto para el Rescate Ancestral Indigena Salvadoreño	Manuel Vazquez (M)	3 221
France French Guyana	Awala-Yalimapo	35	6 different Guyanese communities	Federation des organisations amerindiennes de Guyane	Jocelyn Roger Therese (M)	1 421
					Alexis Tiouka (M)	1 421
France French New Caledonia	Paita	40	Kanak	Conseil Nationale pour les droits du peuples autochtones de Nouvelle-Calédonie	2 people[a]	3 321
						3 321

[a] Upon the condition that the applicant submits the names of the participants and indicates that the application is supported by indigenous populations

State	City	Application number	Peoples represented	Organization	Name and gender of representative	Estimated cost (US$)
Guatemala	Ciudad de Guatemala	38	Maya-Kaqchikel	Escuela Maya de Derechos Humanaos	Marco Antonio Curuchich Mux (M)	3 221
India	New Delhi	24	Santhals, Mundas, Oraons	Chotanagpue Adivasi Sewa Samiti	Bineet Jaynel Mundi (M)	3 021
	Calcutta	3	Jumma Peoples	Jumma Peoples Link	Priti Bindu Chakma (M)	2 721
					Juliana Chakma (F)	2 721
	Ahmedabad	30	Adivasi, Bhils, Warlis, Dhodias, Chaudharies, Bhilalas and others	Indian Confederation of Indigenous and Tribal Peoples	Siddharaj Soorjibhai Solanki (M)	2 721
	Thane District	48	Warli	All India Coordinating Forum of the Adivasi	Carlus Dharma Dhanga (M)	2 721
		49	Naga	Naga Women's Union, Manipur	Gina Shangkham (F)	2 721
Kenya	Nanyuki	13	Il-Laikipiak Massai	Organization for Survival of Il-Laikipiak Indigenous Maasai Group Initiatives	Johnson M. N. Ole Kaunga (M)	2 721
					Anne G. Resiano (F)	2 721
Morocco	Rabat	16	Amazigh (Berbere)	Association Nouvelle de la culture et des arts populaires	Fatima Mord (F)	1 721
Namibia	Windhoek	26	San	Working Group of Indigenous Minorities in Southern Africa	Kxoe Moses Oma (M)	3 021
	Windhoek	50	Damara, Bondelswarts and others	Khoekhoegowab Curriculum Committee	Laurentious S. Davids (M)	3 021
					Johaness Hoeseb (M)	3 021
Nepal	Damak, Jhapa, Mechi	37	Koyu Rai community	Kirat Koyu Rais' Uplifting Association	Krishna Koyu Rai (M)	2 721
	Bhadrapur, Jhapa	23	Kirat Rai communities	Kirat Rai Language and Literary Council	Kalu Ram Khambu Rai (M)	3 121
Niger	Agades	9	Kel Tamajaq	Tilalt	Effad Emoud Salekh (M)	2 721
Pakistan	Quetta	32	Hazaras	Tanzeem Nasle Nau Hazara Mughal Quetta	Ghulum Ali Haidari (M)	2 621
Panama	Panama City	4	Kuna	Movimiento de la Juventud Kuna	Taira Edilma Stanley Icaza (F)	3 221
	El Dorado	12	Kuna	Congreso General de la Cultura Kuna	Maximiliano Ferrer (M)	3 221
	Panama City	17	Ngobe-bugle	Frente de Liberación Guaymi	Toribia Venado de Mendoza (F)	3 221
Peru	Arequipa	6	Quechua	Organización Regional de la Mujer Indigena	Rosario del Pilar (F)	5 121
	Lima	7	Quechua	Chirapaq Centro de Culturas Indias	Tarcilla Rivera Zea (F)	4 921
Philippines	Baguio City	5	Cordillera Peoples	Cordillera Peoples Alliance	Joan O. Carling (F)	3 221

State	*City*	*Application number*	*Peoples represented*	*Organization*	*Name and gender of representative*	*Estimated cost (US$)*
Rwanda	Kigali	8	Batwa Pygmees	Association for the Promotion of Batwa	Zéphyrin Kalimba (M)	3 321
Russian Federation	Abakan, Chakasija	43	Chakasskij People	Council of Chakasskij People	Lew N. Nerbishew (M)	2 321
	Miski, Kemerowskaja Oblast	44	Shoria People	Shoria People Council of Elders	Egor Bekrenjow (M)	2 321
	Providenja	45	Tchonkotka people	Association of the Tchoutkotka people "Awan"	Jurij J. Kaljantogran (M)	2 321
	Kemerowskaja Oblast	51	Shoria People	—	Galina Tunekowa (F)	2 321
South Africa	Southern Kalahari-Mier	25	Southern Kalahari San	Southern Kalahari San	Petrus Vaalbooi (M)	3 321
	Cape Town	33	Peoples of the First Nation Indigenous Khoi-Khoi and San Peoples	Cape Cultural Heritage Development Council	Chief Joseph Dominic Little (M)	3 321
					Chiefness Sharon Rhoda Leng (F)	3 321
					Chiefness Jean Burgess (F)	3 321
					Catherine Peters (F)	3 321
Thailand	Bangkok	18	The Mon People	Mon Unity League	Cham Toik (M)	2 721
Ukraine	Simferopol	36	Crimean Tatars, Karaïs, Krymchaks	Mejlis of the Crimea Tatar People	Nadir Byekirov (M)	1 921
United States of America	Rapid City, South Dakota	41	The Traditional Government of the Lakota, Dakota, Nakota Nation	Lakota Nation	Geraldine Harte (F)	2 521
Total beneficiaries: 50 (17 female/31 male) (2 individuals for whom information is not available)						
Total (A): US$ 144,250						

B. Fourth session of the Working Group of the Commission on Human Rights on the elaboration of a draft declaration on the rights of indigenous peoples from 19 to 30 October 1998

State	*City*	*Application number*	*Peoples represented*	*Organization*	*Name and gender of representative*	*Estimated cost (US$)*
Peru	Arequipa	1	Populations of Arequipa, Puno, Cusco, Apurimac, Madre de Dios and others	Comisión Jurídica de los Pueblos de Integración Tahuantinsuyana	Fortunato Turpo Choquehuanca (M)	5 842
Russian Federation	Nowokusnezk	2	Shoria People	Association of the Shoria People	Michael Todishew (M)	2 642
Ukraine	Simferopol	3	Crimean Tatars, Karais, Krymchaks	Mejlis of the Crimea Tatar People	Nadir Byekirov (M)	2 642

Total beneficiaries: 3 (3 male)

Total (B): US$ 11 126

Total both Working Groups (A+B): US$ 144,250 + 11,126 = 155,376

Geographical distribution (List I and II):

Africa:	**14 beneficiaries**	**America:**	**16 beneficiaries**
Asia:	**12 beneficiaries**	**Europe:**	**11 beneficiaries**

Annex III

How to contribute to the Fund

Contributions to the Fund can be made to:

The United Nations Geneva General Fund
c/o the United Bank of Switzerland
P.O. Box 2770, CH 1211 Geneva 2, Switzerland

- in US$, Account CO - 590 - 160.1
- in CHF, Account CO - 590 - 160.0

Contributions can also be made to the United Nations Cashier's Office, United Nations Secretariat, New York, N.Y. 10017, USA, or United Nations, Palais des Nations, CH-1211 Geneva 10, Switzerland. Please make payment to the order of the United Nations.

When making a contribution, always add a notation: "for the United Nations Voluntary Fund for Indigenous Populations, account I H".